REPORT ON FAO, THE FAO COMMITTEE ON FISHERIES AND INTERNATIONAL AND REGIONAL FISHERY BODIES

prepared by

FAO Department of Fisheries

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FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
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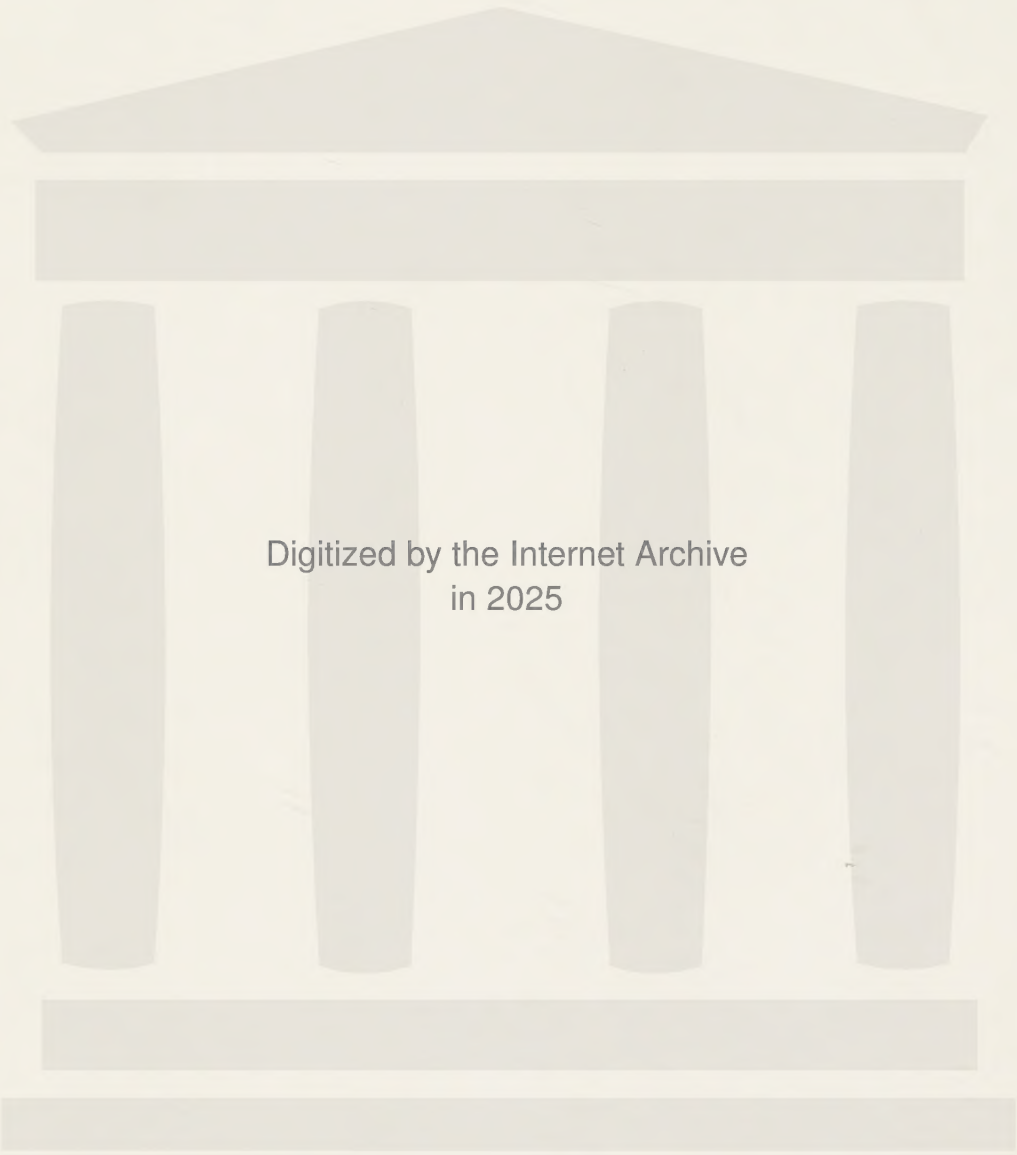
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I INTRODUCTION

1 At the session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, held in Geneva from 19 July to 27 August 1971, the Food and Agriculture Organization of the United Nations (FAO) was requested to prepare a report on regulatory fishery bodies. The report was submitted to the Committee at the session it held in New York from 28 February to 30 March 1972.

2 When considering, at its Ninth Session in October 1974, the progress achieved by the Third United Nations Conference on the Law of the Sea, the FAO Committee on Fisheries requested the Secretariat of the Organization to up-date the above-mentioned report. It indicated that the report should cover the structure and functions of existing regional and international bodies concerned with the management and development of marine fishery resources, including outlines of their recent activities and programmes. Sections on the relevant activities of FAO and of its Committee on Fisheries should also be included. The report should be made available to the Third Session of the Third United Nations Conference on the Law of the Sea to be held in Geneva from 17 March to 10 May 1975, and should be submitted for review to the Tenth Session of the FAO Committee on Fisheries in June 1975.

3 The present report has been prepared and is made available to the Conference on the Law of the Sea in response to this request.

II FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

4 Fisheries have been one of the main responsibilities of FAO ever since the Organization was set up in 1945. In April 1945 a Technical Committee on Fisheries opened its report to the United Nations Interim Commission on Food and Agriculture in the following way:

> "From ancient times man has recognized the food value of fish. The search of fish has been an important factor in governing his migrations and has had its influence upon his social structure. It is reasonable, therefore, that fish should be regarded as one of the more important sources of food in any programme for raising the nutritional levels of peoples throughout the world."

5 Later in the same year, in October, the new Food and Agriculture Organization held the First Session of its Conference at Quebec. The part of the report of the Conference dealing with fisheries made it clear that the Organization's activities in fisheries were from the outset to be organized along the lines described in the pages that follow.

6 Some 18 years later, in 1963, the FAO Conference adopted an important resolution on fisheries, requesting the Director-General to prepare proposals to ensure that FAO should continue to be the leading intergovernmental body for encouraging the rational harvesting of food from the oceans. As a result of this resolution, the Conference decided two years later, in 1965, to establish the FAO Committee on Fisheries, the work of which is described in Part III of this paper. At the same time the Secretariat of FAO was reorganized to reflect the greater importance of fisheries. Thus for the last ten years FAO has had more adequate means than before for dealing with fishery problems and this has given a new drive to its work in fisheries.

7 The paragraphs below outline in general terms the activities carried out by the Department of Fisheries. Details of all activities are not given. The headings of the sections correspond to the organizational pattern of the Department's units. The Department has separate units dealing with resources, industries, information and planning and, lastly, field operations.

Section 1

FISHERY RESOURCES AND ENVIRONMENT

8 Assessment of resources is essential for all fishery development and management schemes. This means that the state of exploitation of the major living aquatic resources of the world must be reviewed periodically and potential yields estimated. This is one of the essential parts of FAO's programme in fisheries.

Data and evaluation

9 The review of resources involves not only setting out what is known about their magnitude and distribution but also seeking to determine how they are affected by fishing and by changes in the environment, and the yield that can be harvested from them. This must be based on adequate basic data, particularly on the magnitude and composition of the catch and the fishing effort expended.

10 Efforts are now being made to improve basic data, balancing the benefits to users against the increased cost involved. Naturally, data collection systems are at varying levels of sophistication and the staff employed vary in numbers and degree of specialization. Usually present data are inadequate, lacking in detail and accuracy, and are sometimes out of date. Many countries could benefit from the studies made by FAO of standard requirements for data collection giving details such as breakdown by species, area of capture and definitions of fishing effort.

11 FAO generally stimulates and coordinates national activities, and assistance takes various forms. It may involve the holding of training courses, the publication of manuals on stock assessment techniques or the development of new techniques. For example, FAO has played a leading part in developing the use of acoustic equipment for rapid quantitative surveying of resources. If results are good, for example after testing in field projects, the same techniques may be applied elsewhere.

12 Since many resources are regional in the sense that they are harvested by several countries, their evaluation and the compilation of data also have to be carried out regionally. This is usually done through regional bodies which are, in several cases, subsidiary bodies of FAO.

13 In regions where countries are not yet in a position to make resource evaluations and compile data themselves, FAO takes a leading part in this work. The publication of regional statistics in these areas has tended to lag behind that in regions (especially the North Atlantic) where most countries have advanced statistical systems. Nonetheless, the various regional bodies, such as CECAF, CARPAS 1/, have set up working parties on assessment which have produced reviews of the state of stocks in the region and have made it possible to identify development opportunities and understand management problems; however, much remains to be done. The work of these groups must be improved, the state of the stocks must be kept under continuous review, and the results of these reviews and assessments must be disseminated rapidly.

14 At the global level, the results of FAO's work include a comprehensive review of the knowledge of the state of world fishery resources (the Fish Resources of the Ocean) 2/ and the Atlas of the Living Resources of the Seas 3/. These are authoritative documents summarizing the current state of knowledge at the time they are issued, but they need revising at intervals as information accumulates. More regular reviews 4/, summarizing the current state of the fisheries in each region, are also now being prepared. These have been primarily prepared for the Committee on Fisheries, but they are also valuable for all those interested in the state of world fisheries as a whole.

15 With the further improvements being made, FAO's work on resource information and evaluation will be part of the global information and early-warning system recommended by the World Food Conference.

Fishery management

16 As the number of heavily fished stocks increases and opportunities to divert fishing effort to under-exploited stocks decrease, the importance of fishery management grows. As a result of the Third United Nations Conference on the Law of the Sea, it is expected that developing countries will have to assume greater responsibility for the management of fishery resources in waters adjacent to their coasts and will have to cooperate with neighbouring countries in this. Successful management depends on the successful combination of certain biological, economic and social factors and often raises problems which are difficult to solve. Solutions may be facilitated by exchanging ideas and comparing experience gained from different fisheries. Technical problems are further complicated, particularly in tropical waters, by a large number of species being fished at the same time.

17 FAO's assistance to member governments includes advice on specific management problems; this is usually provided through field projects. It is expected that the various new large

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1/ CECAF - Fishery Committee for the Eastern Central Atlantic
CARPAS - Regional Fisheries Advisory Commission for the Southwest Atlantic

2/ Published by Fishing News (Books) Ltd., England, in 1970

3/ Third edition published by FAO in 1972

4/ e.g. COFI/74/4, COFI/75/4

regional projects will be increasingly involved in assisting participating countries to solve management problems. FAO Headquarters will give whatever additional assistance is needed for this.

18 The management of any stock which is already or is likely to be exploited by more than one country calls for international or regional action. This is usually brought about through an appropriate regional body. FAO has direct responsibility for the activities of its own subsidiary regional bodies; in addition it maintains close contact with virtually all the other regional bodies. It is thus in the unique position of being aware of all common problems. This enables FAO to suggest and promote appropriate action. FAO also obtains up-to-date information on the rapidly increasing number of bilateral fishery agreements and the great variety of regulatory measures taken under them.

19 At the global level, FAO reviews the successes and failures of different management measures, and encourages the completion of biological, economic and social studies needed for efficient management, coordinating this work between countries as appropriate. The results of these studies are made known to member governments and other interested parties through the publication of general studies, guidelines and manuals and by the holding of meetings, ranging from large technical conferences to seminars and working groups, to discuss problems in specific areas.

Aquaculture

20 As more natural stocks of fish, particularly those of the highly valued conventional species, become more fully exploited, growing attention is being paid to aquaculture as a means of increasing fish and shellfish production. Production from aquaculture at present amounts to about 5 million tons a year. It is thought that this could be increased many times over. It is estimated that the area at present under cultivation could be expanded nearly ten times, particularly in the developing countries, and this could bring about a trebling of present yields if accompanied by the improvement of existing technology and the development of new culture systems. Aquaculture can be developed either as a small-scal enterprise or as a vertically integrated large-scale industry.

21 The problems of developing large-scale aquaculture are those of a relatively new and growing industry. Countries need assistance of various kinds. They need help in evaluatin the national potential after detailed site surveys, and in planning development programmes. Arrangements have to be made to use coastal areas for aquaculture without this conflicting with other uses. Research and training facilities must be established and built up. Extension services must be developed and the production of essential inputs like seeds, feeds and fertilizers has to be organized. Suitable financing arrangements must be made, particularly for credit to small farmers.

22 FAO's role is primarily advisory and consists mainly of mobilizing external resources to assist developing countries in expanding or establishing aquaculture industries. FAO helps prepare integrated development plans and seeks financial support for carrying them out. It carries out an ever-growing number of field programmes covering various aspects of aquaculture, ranging from site surveys and project formulation to research, pre-investment and pilot-scale studies. The United Nations Development Programme (UNDP) has recently approved an aquaculture development and coordination programme of a global nature. It is being executed by FAO and its first phase has recently started.

23 The FAO regional fishery bodies take an active part in the work on aquaculture. Many of them have working parties which survey the state of aquaculture and estimate potential yields in member countries; they study subjects such as the economics of different types of aquaculture operations, the environmental aspects of aquaculture development, the control of communicable fish diseases and the controlled breeding of cultivable fishes. A series of regional symposia started in 1970 and will be completed this year; these will culminate in an FAO Technical Conference on Aquaculture in 1976, which will provide an opportunity to pool the experience so far gained in aquaculture on a world-wide basis and to prepare programmes of action for the future.

24 The rapid spread of information is important for the development of aquaculture and the Department of Fisheries serves as a clearing house for information on the subject. FAO also publishes an Aquaculture Bulletin on a regional basis.

Environment and pollution

25 Pollution and other changes made by man to the environment pose a growing threat to living resources and fisheries, particularly in inland waters and certain coastal areas. To identify the requirements of member nations in protecting living resources and fisheries from the harmful effects of pollution, FAO organized in 1970 a Technical Conference on Marine Pollution and its Effects on Living Resources and Fisheries; it has since promoted international studies on the aquatic environment and pollution, in collaboration with other United Nations Agencies.

26 Assistance is being given to developing countries, with the support of bilateral agencies, to help them develop their scientific and technological abilities, to detect the effects of pollution before they become serious, and to adopt prompt remedies. This assistance is provided mainly through a series of training courses, direct technical advice and the planned establishment of a number of regional pollution laboratories for aquatic research and monitoring. Ad hoc assistance is also given in evaluating biological effects of oil spills from tanker accidents.

27 More recently, FAO has also been involved in the legal and institutional aspects of pollution control. In 1974, it held a Consultation on the Protection of Living Resources and Fisheries from Pollution in the Mediterranean. With the participation of other United Nations Agencies, this work is being expanded to include other aspects of pollution and might lead to the conclusion of a general convention for the Mediterranean and protocols dealing with specific aspects of pollution.

Scientific information and species identification

28 The FAO Department of Fisheries has built up a number of information services during the last 12 years, the purpose of which is to make the information available in scientific literature more readily accessible to fishery scientists. This grew from an internal system in response to demands from national and international sources. Many national and international agencies now actively participate and the work is being integrated into a computer-based system, known as the Aquatic Sciences and Fisheries Information System (ASFIS).

29 The system produces a monthly journal of abstracts with indexes, known as Aquatic Sciences and Fisheries Abstracts (ASFA). This is produced under a cooperative agreement between FAO and national institutions in Canada, France, the Federal Republic of Germany, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America. Some institutions in Latin America and Asia are also expected to participate.

30 The joint FAO/Unesco publication, "Marine Science Contents Tables", is a monthly sister publication to ASFA which reproduces the contents pages of essential journals dealing with marine sciences and fisheries. Other components of the ASFIS system, in various stages of computerization, include registers of experts in aquatic sciences and fisheries, a list of aquatic science institutions, and files on institutions engaged in various aspects of aquatic pollution study.

31 FAO has also a long-term programme for the publication of fish identification sheets. This work is basic for fishery investigations, as well as management and development planning. It is an open system so that additions and amendments can be made on a continuing basis. Users are fishery scientists, field workers, statisticians and, in some cases, fishermen themselves. It could also form a basis for the standardization of nomenclature in statistical bulletins and technical reports. Six volumes of identification sheets have been published so far, including two for the Mediterranean and Black Seas and four for the easten Indian Ocean and western central Pacific. The future programme includes the eastern central Atlantic, the western central Atlantic and the southwest Atlantic.

ACMRR

32 Various aspects of FAO's work in aquatic resources are guided by the Advisory Committee of Experts on Marine Resources Research (ACMRR). The Committee is composed of experts appointed by the Director-General of FAO in their personal capacity and by the Intergovernmental Oceanographic Commission. The Fishery Resources and Environment Division of FAO provides the Secretariat. In addition to its regular sessions, ACMRR has working parties which meet between sessions and cover specific topics such as scientific advice to fishery management and development bodies, marine mammals, fishing effort and monitoring of abundance, acoustic research in fisheries, biological effects of ocean variability and various aspects of pollution.

Section 2

FISHERY INDUSTRIES

33 An important part of the work of the Department of Fisheries of FAO is helping the developing countries to use their fishery resources to the best advantage. Fish is not only a valuable protein food but it also gives employment and provides income for the countless fishermen throughout the world. A related activity of value to all countries, developing and developed alike, is the collection and spread of information on opportunities for industrial development, on advances in technology and marketing, and on important changes in the structure of institutions responsible for fisheries throughout the world.

34 The paragraphs that follow outline some of the major activities in fishery industries. Particular emphasis is now being given to small-scale fisheries because of the social and economic implications of these activities and it is perhaps appropriate to describe these first.

Small-scale fisheries

35 The social and economic problems of small-scale fisheries are of great concern to a large number of developing countries. These fisheries often provide the principal, if not only, opportunity for employment in coastal areas. They also provide a valuable protein food which would otherwise be lacking. Small-scale fisheries often lag behind the other sectors of the economy and there is chronic underemployment and poverty in fishing communities. As a result labour drifts elsewhere, with the unfortunate social consequences that are well known today. All this has prompted many developing countries to give priority to solving these problems.

36 International and bilateral assistance agencies are now helping with this and the FAO Department of Fisheries has started assisting countries and regions with projects to develop small-scale fisheries.

37 The help is given in a new way. Mobile groups or teams of specialists are put together and will be made available, both to regions and countries, at short notice. They will assist with project work directly or else with working out more general policies for the development of small-scale fisheries. They will provide training and give advice in all the disciplines associated with the development of small-scale fisheries, from resources to the use of modern techniques and the introduction of up-to-date social services. The experience they gain will enable them, with time, to find solutions for problems of many kinds and perhaps even to work out some general criteria for the development of small-scale fisheries.

38 The teams will also be able to advise governments on certain specific subjects as, for instance, how to set up pilot projects for ensuring the integrated development of small-scale fisheries. In doing this they will identify the sectors where additional assistance is required and this may well be economic, social, financial or even institutional and not simply just technical. Even when unable to provide a particular type of training themselves,

the teams will be in a position to advise on the type of training needed and organize training courses for appropriate groups, not solely among the fishermen themselves but also among other interested parties such as government officials, extension workers, or fish processors and distributors.

39 Lastly the teams will put together the information they have collected in a form useful to others. This will clearly run parallel to the preparation of the general criteria for the development of small-scale fisheries.

Increasing catches and using them better

40 FAO gives assistance to member countries in improving techniques and introducing new technology. This can have two immediate advantages: first, it increases catches and leads to the improvement of processing and distribution facilities; second, it reduces costs and makes fish more attractive on the market.

41 FAO provides technical advice in many disciplines. These include not just fish catching, handling and marketing but extend into related domains such as ship design and building, and marine and civil engineering including the building of fishing harbours. Feasibility studies are prepared and projects are planned.

42 Another aspect of this work is to hold expert consultations. For example, a consultation was arranged late in 1974 to examine the possibilities of catching and using Antarctic krill, a small shrimp-like animal. If means were devised for making krill an attractive product on the market, this would add many millions of tons to the world catch every year.

43 Dwindling stocks in many of the world's most important traditional fishing areas have led to an intensification of exploratory fishing in less-exploited waters and to research into opportunities for using non-conventional resources, such as krill. Biological and economic investigations are carried out to determine optimum levels of harvesting. At the same time technical advice is given on how to reduce waste. Constant vigilance is needed to avoid losses and measures have to be taken at all phases of operations from catching, handling and processing to distribution and sale. Inspection and quality control, advice on the use of by-products, improving transport and storage are among the most rapidly expanding activities of the Department of Fisheries.

44 It is often possible to carry out these activities on a regional basis. Cooperative research programmes are set up regionally for subjects such as improving techniques for using fish and the development of new products, particularly in tropical areas where the additional protein is needed.

Investment promotion

45 FAO has recently started advising member countries, at their request, on investment promotion. This takes various forms: one approach is to identify investment opportunities preparing small investment projects or large-scale programmes as circumstances require. In doing this, information is collected on ideas and proposals for new investment projects in developing countries. Information is also gathered on the organizations and industries willing to take part. After a preliminary appraisal of the proposals, financing agencies are approached to ascertain their interest. If the proposal goes forward, assistance is given in determining its feasibility and later still in solving practical problems arising as the investment takes shape.

46 In doing this, the FAO Department of Fisheries acts as a mediator between the financing agency, governments and established fishing industries. It cooperates with the FAO/World Bank Investment Centre 5/ in sending teams to countries to identify investment opportunities

5/ The Investment Centre is at FAO Headquarters in Rome and is financed partly by FAO itself and partly by the World Bank. It identifies investment opportunities in agriculture, forestry and fisheries for financing by the World Bank

that the World Bank would be likely to support. The Department also cooperates with the FAO/Industry Cooperative Programme to encourage established fishery industries to take part in fishery development in the poorer countries. Advice is given to governments, at their request, that wish to conclude joint venture agreements with established fishing industries.

47 Lastly, close contact is maintained with the official financing agencies of the industrialized countries which are interested in contributing financially to these activities.

Market information

48 Investments will be made only where market opportunities are known. For fisheries there is a lack of commercial market intelligence. FAO is seeking to remedy this by collecting and distributing data on market operations. In addition, FAO also investigates opportunities in different countries for expanding domestic and export markets, and provides governments with expert assistance for this. Recently regional market intelligence and advisory services for the promotion of marketing have been set up with international financing. These are ultimately intended to grow into a global service.

Fisheries education and training

49 An obstacle to launching and expanding fishery industries in developing countries is the shortage of trained personnel at sea and on land. There is also a shortage of staff needed in technical, administrative, and management positions. Training in the entire range of disciplines needed for fishery development is, therefore, being given high priority.

50 Assistance is being given in the establishment, running and expansion of national and regional training institutions. Training courses and seminars organized under the auspices of FAO not only serve to spread knowledge and improve skills but also provide an opportunity to exchange information and experience. To supplement lectures, training material is prepared on selected subjects and distributed for general reference to fishery libraries throughout the world.

51 In organizing these training activities, efforts are made to ensure the collaboration, wherever possible, of established industries and academic or other institutions that could provide useful assistance. In each particular case, the training given is suited to development needs. Cooperation is encouraged between different countries in their national programmes for fishery training and costs are reduced by sharing facilities and accepting trainees from other countries.

52 In some developing countries there may be a shortage of managers. As a result special emphasis has been placed on this type of training, especially for small-scale fisheries. High priority is also given to training programmes for fishermen. Training is also given in marketing and fishery administration.

Fishery administration

53 The development of fishery industries depends on the quality of administration and institutions supporting it. For a long time FAO has been giving advice and assistance to developing countries in organizing and staffing fishery services.

54 Special attention has been given to studying how fishery development institutions are organized and operate. This assistance is frequently given to the special new bodies being set up by an increasing number of developing countries to accelerate the pace of fishery development. The aim is to help countries which are not satisfied with the way these bodies are working to analyse the reasons for their failure and to help other countries which wish to establish similar bodies. The assistance may consist of drafting appropriate statutes or sorting out functional responsibilities and administrative procedures.

55 Activities are also carried out regionally. These consist of arranging seminars and symposia to discuss selected aspects of fishery administration such as credit facilities, cooperative organizations and the effects of modernizing facilities and improving the entrepreneurial management of small-scale fisheries.

56 FAO also gives advice for the promotion of industry associations and particularly co-operatives. This strengthens the bargaining position of the primary producer—the fisherman himself—and helps simplify marketing operations. Advice is given on the channelling of credit to small entrepreneurs. Other areas where advice is given is in building up research and technical institutions for fisheries and establishing appropriate financing agencies.

Section 3

INFORMATION AND PLANNING STUDIES

57 FAO is the only world-wide organization which collects, analyses and disseminates information on fisheries. This is essential to all the rest of the work and without it much that is done could not be done. Information is provided in various forms for varying purposes. The subjects covered are fishery statistics, planning and commodities, and country information.

Statistics

58 The largest single undertaking is the Yearbook of Fishery Statistics. Two volumes are issued each year, one containing data on catches and landings and the other on fishery commodities. The first Yearbook was issued in 1947 and since then the coverage and detail presented have been steadily expanded and improved. This is particularly true of the volume on catches and landings which shows quantities and values of fish caught and landed by countries, by species and by fishing areas. During the second half of 1974, the first steps were taken to computerize the preparation of this volume of the Yearbook. The next volume, to be issued at the end of 1975, will include data which have been incorporated into the computerized data bank. The volume on fishery commodities includes data on catch disposal and on production and international trade by types of fishery commodity.

59 Following the computerization of the volume on catches and landings, greater attention is being paid to the preparation of the volume on commodities. The contents are being extensively revised and improvements made to the detail to bring it into line with the revised United Nations Standard International Trade Classification. Bulletins of fishery statistics are also issued from time to time. These present statistics of regional interest on selected topics (groups of species, fishery commodities, fishing craft, employment), and other special tabulations intended for conferences and specialized meetings.

60 The Department of Fisheries provides statistical services for the inter-agency Coordinating Working Party on Atlantic Fishery Statistics 6/. This involves playing a leading role in working out statistical concepts, revising and improving them over time, and in operating a statistical reporting system from countries to the agency concerned. Similar work is now being undertaken in other sea areas and particularly the Indian and Pacific Oceans.

6/ The members in addition to FAO are: the International Council for the Exploration of the Sea (ICES), the International Commission for the Northwest Atlantic Fisheries (ICNAF), the International Commission for the Southeast Atlantic Fisheries (ICSEAF) and the International Commission for the Conservation of Atlantic Tunas (ICCAT). FAO represents its own fishery commissions, in particular the Fishery Committee for the Eastern Central Atlantic (CECAF), the General Fisheries Council for the Mediterranean (GFCM) and the Western Central Atlantic Fishery Commission (WECAFC)

61 Assistance is given to fishery administrations in individual countries in improving their statistical collection services. In recent years improved systems for the collection of catch and effort data have been designed for the inland waters of a number of African countries, including Ivory Coast, Malawi and Zambia. For marine fisheries, work has been done mainly in Indonesia, Sri Lanka and West Africa. As part of this work three manuals have been published, one of which deals with the design of fishery statistical surveys in inland waters. This work normally involves the training of the required staff.

Country information

62 FAO produces papers known as Fishery Country Profiles. These contain information which is complementary to the material published in the statistical yearbooks. They give a brief summary of the present state of national fishing industries and prospects for the future.

63 They are intended largely for readers who are not fishery specialists but who need a general picture of the fishing industry in any country; they may also be useful to fishery specialists who are unfamiliar with any specific country.

64 Profiles have been prepared for all major fishing countries. Coverage is being gradually extended to smaller countries as information becomes available; existing profiles are brought up to date about every three years or at shorter intervals if major changes warrant revision.

Planning studies

65 The need for planning to make the best use of capital or other scarce resources is increasingly recognized. In many countries the standard of fisheries planning is not good because fishery administrations often lack people with planning experience and planning departments lack staff with fishery expertise. The fishery planning activities of FAO therefore fill a gap. Developing countries are assisted with their planning and regional plans are prepared against which national planning authorities can formulate their own plans.

66 The main instrument for carrying out this work is a document known as the Country Perspective Study. This covers all the sectors of activity of FAO including agriculture and forestry as well as fisheries. It is prepared at the request of national planning authorities which cooperate in the work. Each study examines the development prospects for agriculture, forestry and fisheries within a mutually agreed macro-economic framework. Changes in income, population and other important variables are taken into account. In particular the constraints to future expansion in output are reviewed and the consequence of different policies for the continued development of the fishery industry outlined, including, where possible, estimates of foreseeable costs. These Perspective Studies provide a useful analysis of the development prospects of a country, from which rational and viable projects can easily be derived. The UNDP draws on them when preparing its programmes for individual countries. Furthermore, since they constitute a cooperative venture between FAO and the country concerned, agreement on the nature and the desirability of any project is greatly facilitated.

67 The Department of Fisheries also prepares regional planning documents. These are of particular significance where there are shared or commonly exploited resources, as is the case in the Mediterranean, and parts of southeast Asia, or wherever else a comparison can be usefully made between the needs of different countries from resources available in a broad marine area. These studies are also intended for use by national planning authorities and fishery administrations as a background for the preparation of their own fishery development plans. In 1974 studies were prepared for the Mediterranean and Black Sea countries and for various parts of the Indo-Pacific area.

Commodity studies

68 An essential element of planning studies is the estimation of future market demand. Since such estimates are also useful for other work, and in particular for the appraisal of

projects, and the assessment of development prospects in fisheries generally, increasing emphasis is now being given to fishery commodity studies. These normally look forward ten or sometimes 15 years and examine potential market growth for particular commodities on the basis of population increase, growing spending power, changes in taste and other social and economic factors. On the basis of estimates made by FAO, the studies also take account of the potential yield from resources in the light of future market demand. Efforts are being concentrated on commodities of special interest to developing countries, provided the prospects for increasing supplies seem good. A study on small shoaling pelagic species (anchovies, sardines, herrings, etc.) has recently been completed and others for molluscs and seaweed products are being compiled.

Section 4

FIELD OPERATIONS

69 The programme of the FAO Department of Fisheries as described so far is carried out at or from Headquarters in Rome and is largely funded from the Organization's own budget. The field operations, carried out throughout the world, are funded from other sources—mainly the United Nations Development Programme. They complement the rest of the programme.

70 The effectiveness of the field operations depends not only on the field activities themselves but also on the quality of the technical support provided by Headquarters and the advice and assistance provided by FAO's own Regional Offices and Country Representatives, and by the Resident Representative of UNDP in each country.

71 In fisheries, field operations consist not only of national, but also of regional and even inter-regional projects. Fisheries by their very nature lend themselves to a regional and inter-regional approach. After a brief discussion of these, and particularly of the regional projects which are all fairly new, a few details are given of the sources of funds for these activities.

Categories of projects

72 The majority of field operations falls within a small number of disciplines—fishery resources surveys, fishery development, and fishery research and training. The trend in recent years has been towards the broad category known as fishery development. The table which follows indicates the allocations for the different categories of field projects in operation at the end of 1974 (including the regional and inter-regional projects).

73 As can be seen, a considerable number of projects have investment potential. When this occurs, the Department of Fisheries collaborates with the World Bank and the regional development banks 7/ through the FAO/World Bank Investment Centre 8/ at FAO Headquarters. The role of the Department in collaborating with the Investment Centre is to cooperate in drawing up project proposals to be endorsed by the governments concerned and to be approved for financing by the World Bank. This involves participation in missions to identify projects, to prepare and appraise them, and finally to review the results.

7/ The African Development Bank, the Asian Development Bank and the Inter-American Development Bank

8/ See footnote 5/ on page 7

	Large-scale						Small-scale	
	No.	Allocation in U.S. $ m	IP	IS	PIP	IFS	No.	Allocation in U.S. $ m
UNDP-funded projects								
Fishery resource surveys	15	15.8	8	2	1	4	3	1.6
Fishery development	56	39.2	23	18	9	6	37	1.8
Fishery research and training	24	18.1	17	3	1	3	19	0.8
TOTAL	95	81.1	48	23	11	13	59	4.1
Others (Funds in Trust) 9/	(17)	(8.6)	(6)	(7)	(2)	(1)(1) WFP	(8)	(0.3)

IP = Investment Potential
IS = Investment Support
PIP = Preliminary Investment Potential
IFS = Investment Feasibility Studies
WFP = World Food Programme

As classified by UNDP Operational and Financial Manual (Chapter IV)

Regional and inter-regional projects

74 The regional and inter-regional fishery projects are a new mechanism recently set up by FAO with the support of UNDP. Eight of them are already in operation: they include, inter alia, the International Indian Ocean Fishery Survey and Development Programme, the South China Sea Fisheries Development and Coordination Programme, the Project for Development of Fisheries in the Eastern Central Atlantic, and lastly the International Project for Development of Fisheries in the Western Central Atlantic. This latter started its preliminary phase in early 1975. All these projects are expected to give rise to considerably increased opportunities for investment in fishery activities.

75 These projects are also leading to new degrees of cooperation and coordination in the transfer of new and existing information on fishery management and development. They have created a climate which has encouraged the industrialized countries to contribute financially to them. This enables these countries to give their assistance simultaneously to a number of developing countries in a single region. The result is the emergence of cooperative methods for solving problems of fishery development, management and marketing—uncommon earlier in the world of fisheries. Greater recourse must be had to such cooperation if development and management are to expand as they must in the future.

76 Of the four projects already mentioned, all but the Indian Ocean Programme have been approved in the last two years by UNDP for execution by FAO. UNDP has also recently approved preparatory assistance for a Global Aquaculture Development Programme. Projects under consideration for future approval include a project for the development of unused fish resources in the southern oceans, a project for regional and international fishery market information, a project for increasing the production of fish in inland parts of Africa (Sahel) and a development programme for the fisheries of the Niger River Basin.

77 The eight UNDP inter-regional and regional fishery projects in operation in February 1975 were for a total value of U.S. $11.6 million. The development assistance agencies of the industrialized countries are also showing interest in providing finance for such projects and this has so far amounted to U.S. $4.6 million. Additional regional and inter-regional projects funded by UNDP, for a value of U.S. $2.2 million, are not yet in operation and some

9/ These are normally funds allocated to development by the development financing agencies of the industrialized countries and administered by FAO

U.S. $2.5 million are expected from the financing agencies of the industrialized countries for such projects. The funds in trust provided by the development financing agencies of the industrialized countries are administered by FAO in cooperation with the donors concerned under a Government Cooperative Programme. Under this programme there were in February 1975 eight regional projects in operation for a value of U.S. $4.5 million with a further two not yet in operation, awaiting approval, for a total of U.S. $10.3 million. A summary of the activities of the four largest projects follows:

78 The International Indian Ocean Fishery Survey and Development Programme completed its the first phase of its operations at the end of December 1972 after a preparatory phase which started in January 1970. The main phase of the Programme will be completed in December 1976. The Programme has conducted resource studies in the Gulf region and has prepared a project for a Cooperative Fishery Survey. A further survey for pelagic resources in the north Arabian Sea is also planned. These developments should attract investments which could considerably assist in the industrial development of the fishery resources. A survey will also be conducted in the waters off eastern Africa to assess the potential for fisheries development in that area.

79 The South China Sea Fisheries Development and Coordinating Programme started the first phase of its operations in January 1973. The main phase of operations started in July 1974. Activities are designed to assist the countries in the region with planning fisheries development, with studying and evaluating their fishery resources, and generally with assisting in the development and rational use of these resources. High priority is being given to accelerating the development of fisheries for pelagic species; this is being financed by Canada through CIDA 10/. The project is to be completed in June 1979.

80 Project for Development of Fisheries in the Eastern Central Atlantic. The preparatory phase of this project started in July 1973 and the main phase in January 1975; it will run until mid-1978. The project will promote liaison and cooperation amongst the coastal countries of West Africa for the management and exploitation of the fish resources in the waters adjacent to their coasts. With external assistance, the project will carry out fishery development schemes and will coordinate training and research and the monitoring and management of fishery resources. Considerable external technical assistance is expected from a number of donors, including NORAD 11/ and CIDA.

81 International Project for Development of Fisheries in the Western Central Atlantic. The preparatory phase for this project was approved on 1 January 1975 and, during this one-year phase, planning for the main phase will be carried out. The two main objectives of the project are: first to assist in ensuring the rational use of the resources in the Western Central Atlantic by developing fisheries on under-exploited stocks, and second to promote appropriate management action for stocks that are already heavily exploited. The project will thus have a coordinating role. It will advise on harmonizing fishery policies and will also coordinate action at the national and regional levels. This should facilitate international assistance. The project will monitor resources and their use and will provide training of various kinds at different levels.

Funding

82 As is already apparent from the foregoing paragraphs, UNDP continues to be the largest single source of extra-budgetary funds channelled through FAO. The funds provided by the development agencies of the industrialized countries have a complementary and growing role as large sums are being channelled through FAO or put to use, under the auspices of FAO, for the regional programmes and projects. The needs of the developing countries for assistance in fisheries still exceed the financial resources available and every effort is being made to increase the amount.

10/ CIDA - Canadian International Development Agency

11/ NORAD - Norwegian Agency for International Development

83 The funds devoted by UNDP to fisheries levelled off in late 1973 and early 1974 but there are now indications that from 1975 onwards the field programme will again expand. Increases are also expected in the funds to be provided by the development aid agencies of the industrialized countries. At the end of 1974 UNDP funding for large and small-scale projects in operation in fisheries amounted to U.S. $85.3 million for 154 projects. Of this total, the funding approved by UNDP during 1974 for 36 new projects amounted to U.S. $13.3 million. At the close of the year, 46 new UNDP projects amounting to U.S. $22.3 million were awaiting approval.

84 In addition there were 12 projects funded under the Freedom from Hunger Campaign/Action for Development Programme amounting to U.S. $0.96 million and, at the end of 1974, a World Food Programme project amounting to U.S. $1.31 million was awaiting approval.

85 The Government Cooperative Programmes form an increasingly significant part of the work of the Department of Fisheries and multilateral assistance complements that provided by the UNDP and other support programmes in the country or region. During 1974, CIDA, DANIDA, NORAD and SIDA 12/ allocated U.S. $4.14 million in support of 12 different projects and, in addition, a further 13 projects valued at an estimated U.S. $5.92 million were in various stages of consideration by these donors for funding during 1975/77.

12/ DANIDA - Danish International Development Agency
SIDA - Swedish International Development Authority

III THE FAO COMMITTEE ON FISHERIES

86 As the FAO Committee on Fisheries constitutes presently the only intergovernmental forum where fishery problems are examined periodically on a world-wide basis, it may be opportune to review briefly its origin and status, composition, functions and activities.

Origin and status

87 At its Twelfth Session in November 1963, the Conference of FAO devoted special attention to the state of world fisheries. In its Resolution 8/63, it noted in particular that the oceans and inland waters offered exceptional possibilities for meeting the urgent need of increasing supplies of animal protein in many parts of the world. It also observed that world fishery production had doubled within the past decade and that opportunities existed for comparable increases in the next several decades. After emphasizing that all efforts in international fishery work must be properly coordinated, and recalling the constitutional responsibility of FAO in this field, it requested the Director-General to prepare, for consideration by the Council of FAO and the Thirteenth Session of the Conference, proposals outlining measures which could be taken to ensure that FAO had, in future years, the status of being the leading intergovernmental body in encouraging rational harvesting of food from the oceans and inland waters.

88 One of the main proposals submitted by the Director-General concerned the establishment of a permanent committee to deal with fisheries. An Ad hoc Committee met in March 1965 to consider the implementation of Resolution 8/63. It examined in detail the various provisions of the FAO Constitution under which the proposed Committee on Fisheries could be set up. Two solutions were envisaged. Some delegations were inclined to favour the setting up of the Committee as a standing body of the FAO Council under Article V of the Constitution. They felt that this would allow for early establishment of the Committee, which would be adequate in status. They also noted that non-Member Nations of FAO who were Members of the United Nations could be admitted to membership of subsidiary bodies of the Committee. Other delegations, on the other hand, considered that a body set up by international convention under Article XIV of the FAO Constitution would have more flexibility in operation, could undertake cooperative projects, and would allow full membership, under certain conditions, of very important fishery nations who, at that time, were not Members of FAO; this would make the choice of Article XIV preferable, in spite of the procedural delays likely to be involved. During the debate, it was also pointed out that the establishment of a Committee based on Article V would not prejudice the later establishment of an Article XIV body should this prove desirable.

89 At its Forty-Fourth Session in June 1965, the Council of FAO discussed the constitutional means by which a Committee on Fisheries might be set up and recommended that it be established under Article V of the Constitution. The Conference endorsed this recommendation at its Thirteenth Session in November 1965; however, one of the functions it entrusted to the Committee on Fisheries is to "consider the desirability of preparing and submitting to Member Nations an international convention under Article XIV of the Constitution to ensure effective international cooperation and consultation in fisheries on a world scale". In subsequent years, this matter was considered on several occasions by the Committee on Fisheries. At its Eighth Session in April 1973, it reached the conclusion that the question of its structure, status and functions might be reviewed again when the outcome of the Third United Nations Conference on the Law of the Sea is known.

Composition

90 When it was established in 1965, the Committee on Fisheries comprised 30 Member Nations of FAO, elected for a period of two years by the Council of the Organization and eligible for reelection. They were selected so as to ensure adequate representation both of nations with special interests in fisheries and of nations having interests in different parts of the oceans and inland waters. Due consideration was also given to continuity of experience in matters dealt with by the Committee.

91 The number of the members of the Committee on Fisheries was increased to 34 by the Conference of FAO in 1967 so as to improve geographical representation. In 1969, the Conference considered this question again and recommended that the Council contemplate the possibility of converting the Committee on Fisheries into a Committee open to all interested nations.

92 On the basis of proposals made by the Council, the Conference decided in November 1971 that, for a trial period of four years, the Committee on Fisheries would be open to all interested Member Nations of FAO. During that period, which will expire in November 1975, the Council has appointed on two occasions those Member Nations which had notified the Director-General in writing of their desire to be appointed as members of the Committee in view of their interest in its work and their intention to participate actively in the efficient discharge of its mandate.

93 It may be noted that one of the very important fishing nations that were not Member Nations of FAO at the time of the establishment of the Committee has since resumed membership, and that another is regularly attending the sessions of the Committee as an observer.

94 The structure and composition of the Committee on Fisheries and the method of appointment of its members will be reviewed by the forthcoming session of the Conference of FAO at the end of 1975. The Committee itself has already recommended that favourable consideration be given to more flexible rules regarding its membership.

Functions and activities

95 The two main functions of the Committee on Fisheries are to review the programmes of work of FAO in the field of fisheries and their implementation, and to conduct periodic general reviews of fishery problems of an international character and appraise such problems and their possible solutions with a view to concerted action by nations, by FAO and by other intergovernmental bodies. The Committee also reviews specific matters relating to fisheries referred to it by the Council or the Director-General of FAO, or placed by the Committee on its agenda at the request of Member Nations.

96 Every year, the Committee considers the relevant proposals for the Programme of Work and Budget of FAO in fisheries and ensures that they are well-balanced and take full account of priority areas. The activities of FAO in fisheries have already been described in some detail in Part II of this document.

97 At the nine sessions it has held so far, the Committee on Fisheries has examined, and provided guidance on, a great number of international fishery problems. For example, the Committee has considered in some detail, the role it should play in relation to other international bodies dealing with fisheries, especially regional fishery bodies. In this respect, it has taken into account the recommendation made by the Conference of FAO that the Committee should so conduct its work as to supplement rather than supplant other organizations working effectively in the field of fisheries. It has accordingly defined short-term and long-term objectives to ensure effective coordination among international fishery bodies. The Committee is receiving guidance on this matter from a Sub-Committee on the Development of Co-operation with International Organizations Concerned with Fisheries. A number of formal and informal relationship agreements or arrangements have been concluded between FAO and independent regional fishery commissions.

98 The Committee on Fisheries has also devoted much attention to the identification of sea areas that needed to be served by regional fishery bodies. In each case, it has taken the appropriate steps leading to the establishment of such bodies within the framework or under the aegis of FAO. Particular mention could be made of the setting up of the Indian Ocean Fishery Commission, the Fishery Committee for the Eastern Central Atlantic and the Western Central Atlantic Fishery Commission as subsidiary bodies of FAO, and of the International Commission for the Southeast Atlantic Fisheries as an independent body. Furthermore, at each session, the Committee on Fisheries reviews the progress and problems of regional fishery bodies, both within and outside the framework of FAO, and offers such advice as may be required.

99 At its 1971 and 1972 sessions, the Committee carried out a thorough study of the role and possible actions of FAO, and of the Committee itself, in the management of fishery resources, from the point of view of the scientific assessment of the state of the stocks, the economics of fisheries, the formulation of regulatory measures and the enforcement of these regulations. It was agreed that the activities of the Committee could take three forms: discussion of problems of common interest to several regional fishery bodies; discussion of the general principles and techniques of management; and a continuing overall review of the state of fish stocks throughout the world and of their management. A review of the state of world fisheries is now presented at each annual session of the Committee, as part of FAO's World Appraisal of Fishery Resources. At its 1974 session, the Committee indicated that it would be useful to include in these reviews, in addition to the resource data, further information on the economic and social aspects of fisheries, as well as on the state of contamination of fishery resources and products.

100 Lastly, special mention should be made of the involvement of the Committee on Fisheries in preparation for the Third United Nations Conference on the Law of the Sea. In fact, in Resolution 2750 C (XXV) relating to the convening of the Conference, the General Assembly of the United Nations invited a number of specialized agencies, including specifically FAO and its Committee on Fisheries, to cooperate fully with the enlarged Sea-Bed Committee in the implementation of the Resolution, in particular by preparing such scientific and technical documentation as that Committee might request in its capacity as preparatory committee for the Conference. All the documents and reports that FAO was requested to present to the Sea-Bed Committee, or to the Conference itself, were prepared in close consultation with the Committee on Fisheries, to which they were submitted for review and comment.

101 Conversely, the Committee on Fisheries has been kept regularly informed of the views and proposals on fisheries put forward at the Sea-Bed Committee and at the Conference. At its last session in October 1974, the Committee on Fisheries agreed that, although the outcome of the Conference was not yet known, it was already apparent that FAO and the Committee itself would be likely to have a key role to play in any new regime governing world fisheries. Particular reference was made in this connection to technical assistance to developing countries; training and the transfer of technology in all aspects of fisheries; the establishment or strengthening of institutional arrangements; the harmonization of activities of regional fishery bodies; and the dissemination of information, especially as regards management techniques. While recognizing that new mechanisms would not necessarily be required, as existing organisms including regional bodies could probably accommodate any conclusion of the Conference, the Committee agreed that this matter should be taken up at future sessions when the Conference had completed its work or a clear indication of its outcome was apparent.

IV INTERNATIONAL AND REGIONAL FISHERY BODIES

Summary

102 Section 1 offers a brief historical review of international cooperation with respect to conservation of the living resources of the sea. Although there exist a number of agreements and conventions that were concluded, as the need arose, for the purpose of laying down specific conservation measures, the establishment of standing bodies has proved in many cases the only way to ensure a flexible and dynamic management system.

103 Section 2 describes the various problems attendant upon the delimitation of the area of competence of individual fishery bodies and stresses the desirability for such area to be, wherever possible, large enough to encompass the entire range of the populations constituting the resource or resources with which the body is concerned. The observation is made that in most cases the area of competence of fishery bodies includes waters in which States are entitled under international law to exercise jurisdiction over fisheries. The remark is also made that nearly all seas and oceans of the world are covered by one or more fishery bodies. It is emphasized, however, that the problem of geographic coverage cannot be considered in isolation and that attention must be paid at the same time to the composition of fishery bodies, to the scope and nature of their functions and to the stocks of fish with which they are concerned.

104 Section 3 indicates that several fishery bodies were set up to deal with individual species or groups of like species, but that ever increasing fishing on an industrial scale and the need to take into account the inter-actions of a number of different fisheries tend to lead to the creation of a type of body which deals with all species to be found in a given area. Bodies responsible for only one type of fish (e.g. tuna) or marine mammal (e.g. seals and whales) can still have an important role to play on account of the biology of the species concerned, when stocks are found over a wide geographic area encompassing the areas covered by several regional bodies.

105 Section 4 refers to the constitutional characteristics of fishery bodies as regards eligibility for membership. While the States concerned would normally include those whose nationals and vessels fish or carry out research in the geographic area served by a body and the coastal States in the area, it is not always possible for all those States to become full members. The various conditions to be met under existing conventions in order to participate in the activities of fishery commissions and their subsidiary bodies are described in some detail.

106 Section 5 relates to actual participation of the States concerned in the work of fishery bodies. While under present rules of international law, acceptance of all rights and duties as a member of such bodies is entirely voluntary, there is significant evidence (see also Annex II to this report) of States' willingness to collaborate in the rational exploitation of common resources.

107 Section 6 explains how the joint expenses required to cover the operative costs of fishery bodies are assessed among member countries. Bodies established within the framework of FAO are serviced by the Organization and the financial support of the United Nations Development Programme is being sought for cooperative survey and development programmes, especially in the interest of developing countries. In the case of bodies set up outside the framework of FAO, joint expenses are shared either equally or on the basis of the amount of catches, membership in subsidiary bodies or other criteria.

108 Section 7 provides information on the main activities and programmes of fishery bodies. These are considered successively with respect to the collection and analysis of statistics and other data, the conduct or promotion and coordination of scientific research, the assessment of the state of the stocks and the possible effect of management measures. Reference is also made to the fishery development activities carried out by the bodies established within the framework of FAO.

109 Section 8 relates to regulatory powers of fishery bodies. The various factors that can or must be considered by these bodies when formulating conservation measures are examined, as well as the voting requirements at the time of adoption of the measures. An analysis is then made of the binding force of conservation measures. There are a number of cases where fishery bodies are only empowered to make recommendations. Situations in which measures are directly binding on member countries are exceptional. In between these two extremes, the conventions establishing six regulatory fishery bodies, mostly in the Atlantic Ocean, provide that recommendations will become binding for member countries which do not object to them within a given time-limit. Some information is provided on this latter procedure.

110 Section 9 deals with the numerous conservation measures that have been adopted so far by fishery bodies and implemented by their member countries. Such measures are divided into those that control the size or some other characteristics of the fish caught and those that control the total amount of fishing. As the latter measures are likely to be given ever greater attention in the years ahead, the important question of apportionment of the total catch among member countries is considered in some detail, with particular reference to agreements already reached and to current discussion of this matter by several fishery bodies.

111 Section 10 considers the problem of enforcement of conservation measures. The enforcement of any measure adopted by fishery bodies and accepted by member countries is in the first instance the responsibility of each member country with respect to vessels flying its flag. Efforts were and are still being made to supplement national enforcement systems by some form of international policing, especially within the framework of fishery bodies. A description is given of the international control systems already set out in the conventions establishing several fishery bodies and of the schemes of joint enforcement recently adopted by regulatory bodies in the Atlantic Ocean. Reference is also made to negotiations regarding the international inspection of whaling operations.

Section 1

HISTORICAL BACKGROUND

112 International cooperation in fisheries does not constitute a recent and novel development in the history of relations among nations. Already in the fourteenth and fifteenth centuries several treaties were concluded with a view to solving *inter alia* fishery problems which, at that time, were mainly related to fishing rights, the safety of fishing vessels, rescue operations and access to foreign ports. Several ancient treaties have remained in force for centuries. For example, it was only in 1972 that France renounced certain fishing rights in the waters off the coast of Newfoundland which had been granted her under the Treaty of Utrecht in 1713.

113 However, it was not before the twentieth century that States found it necessary to conclude international agreements to deal more specifically with management of the living resources of the sea through the establishment of permanent intergovernmental regulatory bodies.

114 At the outset, reference should be made to the establishment in 1902 of the International Council for the Exploration of the Sea, even though this body was not intended to adopt regulatory measures but only to encourage and coordinate scientific investigations.

115 The first international body responsible exclusively for fisheries was established by the Treaty signed in 1908 by Canada and the United States with respect to the fish resources in waters (fresh and marine) contiguous to these States. However, for consti-

tutional reasons, the United States never implemented the measures recommended by the fishery body and this first experience was of short duration. Three years later a Convention was signed by Japan, Russia, the United Kingdom and the United States for the preservation and protection of fur seals in the North Pacific Ocean. The Convention contained a series of conservation measures without providing for the establishment of a standing body. Such a body was in fact not established until 1957 under another Convention.

116 Mention should be made of the 1921 Agreement between Italy and the Kingdom of the Serbs, Croates and Slovenes for the regulation of fishing in the Adriatic, and of the 1923 Treaty between Canada and the United States for the Protection of the Pacific Halibut which set up permanent fishery commissions. It should be noted that these first agreements were all bilateral. This was also the case of the regulatory fishery bodies established under the Conventions concluded in 1925 by Estonia and Latvia, and by the United States and Mexico respectively. These two instruments are no longer in force but the last important Convention signed before the Second World War by Canada and the United States had established an International Pacific Salmon Fisheries Commission which is still in operation.

117 In 1927, the Assembly of the League of Nations requested its Economic Committee to "study, in collaboration with the International Council for the Exploration of the Sea ... the question whether and in what terms, for what species and in what areas, international protection of marine fauna could be established". The League of Nations was advised by the Council that "fishery problems were so localized as to be of interest only to those nations whose fishermen have access to the localities and fisheries concerned and, if and when the necessity for regulation of any of the local fisheries arose, it would be a matter for treatment by agreement between the nations interested and between them alone". No reference was made to the content of such agreements nor to the institutional aspects of the problem.

118 The first multilateral agreements setting up fishery bodies were concluded only after the Second World War. In 1946, 17 countries signed the International Convention for the Regulation of Whaling. Previously, whaling activities were regulated by treaties which had to be amended every year. Because of the large number of signatory States, and the lengthy ratification procedures, the entry into force of the amendments was always delayed. For certain years the amendments came officially into force only after the end of the hunting season for which they should have applied. It was these difficulties which led the States concerned to set up a more flexible mechanism including a permanent body.

119 At its very earliest sessions, in 1946 and 1947, the FAO Conference recommended that FAO should take action to initiate the formation of regional fishery bodies and it listed the sea areas that should be given primary consideration. The Indo-Pacific Fisheries Council was set up in 1948, and the General Fisheries Council for the Mediterranean in 1949. Other fishery bodies were established outside the framework of FAO, e.g. the Permanent Commission for the North-East Atlantic Fisheries in 1946 (now the North-East Atlantic Fisheries Commission), the Inter-American Tropical Tuna Commission, and the International Commission for the Northwest Atlantic Fisheries in 1949, the Permanent Commission of the Conference on the Use and Conservation of the Marine Resources of the South Pacific, the International North Pacific Fisheries Commission and the Shellfish Commission for the Skagerrak-Kattegat in 1952.

120 The factors which were conducive to the successful operation of regulatory fishery bodies were examined in some detail by the International Technical Conference on the Conservation of the Living Resources of the Sea which was convened by the United Nations in 1955 in preparation for the United Nations Conference on the Law of the Sea held in Geneva in 1958. Although the Convention on Fishing and Conservation of the Living Resources of the High Seas, which was opened for signature by that Conference, does not refer to intergovernmental fishery bodies, the role that such bodies might play was stressed in two resolutions adopted by the Conference. The first resolution recognizes the usefulness of "international conservation organizations" and encourages States to create them as a means of establishing conservation regimes in general, of negotiation and implementation of conservation measures in the situations envisaged in Articles 4, 5, 6 and 7 of the Convention

on Fishing and Conservation of the Living Resources of the High Seas, and of settlement of disagreements that might arise in this connection. The second resolution, more limited in scope, contains a recommendation to coastal States to cooperate with competent "international conservation organizations" in cases where stocks of fish inhabit seas under the jurisdiction of these States and also the adjacent high seas.

121 There are now some 25 fishery bodies in operation (see Annexes). The most recent ones established within the framework of FAO include the Fishery Committee for the Eastern Central Atlantic, the Indian Ocean Fishery Commission, both set up in 1967, and the Western Central Atlantic Fishery Commission, set up in 1973. Two other bodies were established by international conventions concluded under the auspices of FAO: the International Commission for the Conservation of Atlantic Tunas (1966) and the International Commission for the Southeast Atlantic Fisheries (1969). Outside the framework of FAO, Norway and Canada signed in 1971 an Agreement on sealing which provided for the establishment of a Commission. In 1973, the seven countries bordering the Baltic Sea created an International Baltic Sea Fishery Commission.

122 The need to promote cooperation and the coordination of work among fishery bodies, so that the conservation and rational exploitation of the living resources of the sea can be carried out effectively wherever required, is a matter of increasing concern to all States. Indeed, the importance of the matter has been recognized by the Member Nations of FAO, as it had already been, and will continue to be, under review by the FAO's Committee on Fisheries and more especially its Sub-Committee on the Development of Cooperation with International Organizations Concerned with Fisheries.

Section 2

AREA OF COMPETENCE

123 An examination of the area of competence of the various regulatory fishery bodies (see Annex 1) would tend to indicate that each one of the main seas and oceans of the world is covered by one or more bodies. There are in fact very few areas that are not yet served by a fishery commission. In the absence of precise geographical limits for the area of competence of the Indo-Pacific Fisheries Council and of the Permanent Commission for the South Pacific, reference could perhaps be made in this respect to the central and southern Pacific. It should be emphasized, however, that the problem of geographic coverage cannot be considered in isolation and that attention must be paid at the same time to the composition of fishery bodies, the stocks of fish they are concerned with and the scope and nature of their functions. These points will be examined in subsequent sections.

124 The International Whaling Commission is the only body which, under the terms of the Convention establishing it, is concerned with the conservation and management of a resource in all oceans where the resource occurs. In all other cases, the geographical area under the purview of individual fishery bodies is limited.

125 In some instances, the areas of competence are clearly defined, either because the bodies were established to cover a particular sea (e.g. the Mixed Commission for Black Sea Fisheries, the General Fisheries Council for the Mediterranean, and the International Baltic Sea Fishery Commission, or because the area is precisely delineated by longitude and latitude (e.g. the International Commission for the Northwest Atlantic Fisheries, the North-East Atlantic Fisheries Commission, the Fishery Committee for the Eastern Central Atlantic and the International Commission for the Southeast Atlantic Fisheries).

126 In many cases, the area of competence is defined only in general terms, without any specific limitations geographically; for example, the eastern Pacific Ocean for the Inter-

American Tropical Tuna Commission; the North Pacific Ocean and adjacent seas for the International North Pacific Fisheries Commission; the Indo-Pacific area for the Indo-Pacific Fisheries Council; or the Indian Ocean and adjacent seas (but excluding the Antarctic area) for the Indian Ocean Fishery Commission. Difficulties that arise from possible overlapping of areas could be solved through arrangements or agreements between the bodies concerned.

127 The absence of well-defined geographical limits may sometimes be advantageous in that it allows flexibility in taking account of surveys and investigations into the biology of the species concerned. It should, however, be noted that each time member countries are requested to provide data, to coordinate or conduct research, or each time a regulatory body needs to formulate conservation measures, a specific area may have to be defined. For example, the Regional Fisheries Advisory Commission for the Southwest Atlantic has agreed on the delimitation of an area for statistical purposes in the southwest Atlantic, and the Inter-American Tropical Tuna Commission has defined a regulatory area for yellowfin tuna in the eastern Pacific. The areas so defined do not necessarily coincide with the areas of general competence of the commissions concerned.

128 Ideally, the area of competence should be large enough to encompass the entire range of the populations constituting the resource or resources with which the commission is concerned, but this is not always possible on account of the wide migration of certain species.

129 Most conventions setting up fishery bodies include in their area of competence the waters in which States are entitled under international law to exercise jurisdiction over fisheries. Several of these conventions specify that this does not "prejudice the status of the territorial sea" (e.g. Convention establishing the Mixed Commission for Black Sea Fisheries) or, in a more comprehensive way, "affect the rights, claims or views of any Contracting Party in regard to the limits of the territorial sea or to the extent of jurisdiction over fisheries under international law" (e.g. Convention establishing the International Commission for the Southeast Atlantic Fisheries). The inclusion of all waters in the area of competence of fishery bodies allows for a more rational approach to problems of research and management of migratory resources.

130 There are, however, a few conventions which specifically exclude the "territorial waters" of member countries from the convention area. These are those establishing the International Commission for the Northwest Atlantic Fisheries, the International North Pacific Fisheries Commission and the Japan-Soviet Northwest Pacific Fisheries Commission. Nevertheless, these bodies do take account of events within territorial waters and sometimes these waters are specifically included with regard to statistics and research. It should also be observed in this respect that a common feature of all international control systems adopted so far by regulatory fishery bodies to ensure the implementation of conservation measures recommended by them is that they do not apply to the territorial sea or to waters in which States are entitled under international law to exercise jurisdiction over fisheries (see Section 10 below). The coastal States are responsible for the control of the application of conservation measures in those waters.

Section 3

SPECIES COVERED

131 A number of fishery bodies are only concerned, under the terms of the convention establishing them, with individual species or groups of like species. Such is the case of the bodies set up to deal with whales on a world-wide scale, with halibut in the North Pacific, with salmon in the North Pacific and in the Baltic Sea, with fur seals in the North Pacific, with seals in the northeast Atlantic and with tunas in the eastern Pacific and in the Atlantic.

132 In fact, the first regulatory conventions ever concluded were for the protection and restoration of one group of species only. The first agreement concerning pelagic sealing, for example, was adopted before the First World War and the first conventions on Pacific halibut, Pacific salmon, and whales, were concluded between the two World Wars. The functions of most fishery bodies set up after the Second World War, however, cover all fishery resources in their area of competence. In the Baltic Sea for example, several agreements concerned only with particular species were first concluded by the coastal States, e.g. the International Convention on the Regulation of Fishing for Plaice and Flounder, 1929; the Agreement Concerning Measures for the Protection of the Stocks of Deep-sea Prawns, European Lobsters and Crabs, 1952; the Agreement Concerning the Salmon Population in the Baltic Sea, 1962. It is only in 1973 that a Convention covering all resources was concluded.

133 Ever-increasing fishing on an industrial scale and growing fishery research throughout the world tend to lead to the creation of that type of fishery body which deals not only with one species but with all those to be found in a particular area. For instance, one of the reasons why the North-East Atlantic Fisheries Commission was established in 1959 to replace the Permanent Commission set up in 1946 to serve the northeast Atlantic was to increase the species coverage. It may be observed in this regard that proper conservation measures in a given area need to take into account the inter-actions of a number of different fisheries. To take one example, the cod fisheries of the North Sea cannot be managed in isolation. Any action concerning the cod stocks must consider the effects of the fisheries on abundance of sand lance or herring which are major sources of food to the cod, the effects of predation of cod on the stocks of small fish, and hence on the fisheries on them, as well as the fact that some quantities of small cod may be caught by fisheries primarily for other species.

Section 4

ELIGIBILITY FOR MEMBERSHIP

134 The effectiveness of fishery bodies depends to a great extent on the participation and collaboration of all States concerned. Such States would normally include not only the coastal States in the geographic area served by the fishery commission, but also those whose nationals and vessels fish in that area. As regards the former, reference may be made to the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas, which provides that coastal States are entitled to take part on an equal footing in any system of research and regulation for purposes of conservation in an area of the high seas adjacent to their territorial sea, even though their nationals do not fish there.

135 The provisions of the relevant conventions concerning eligibility for membership do not always make it possible for all States concerned to participate in the activities of fishery bodies. In a few cases the bodies are land-oriented, since only States whose territories are situated in the area of competence may become members. In other instances, especially with respect to the northern part of the Pacific Ocean, the relevant conventions do not provide expressly for the possibility of later accessions, but this should not necessarily be interpreted as excluding the acceptance of new members. It should be observed that these conventions were often concluded at a time when it was not anticipated that States other than the original members would wish to enter the fishery concerned. The admission of new members might possibly entail the need for negotiating a new convention.

136 Several conventions provide that under certain conditions membership of the fishery body is open to States other than the coastal States in the area of competence or to States other than the original members. Thus, any States whose nationals participate in fisheries in the area covered by the Inter-American Tropical Tuna Commission may become members of the Commission subject to the unanimous consent of the contracting parties. The Agreements

establishing the General Fisheries Council for the Mediterranean and the Indo-Pacific Fisheries Council are open to acceptance by any Member Nation or Associate Member of FAO; any non-member nation of FAO which is a Member of the United Nations may be admitted as a member of these Councils by a two-thirds majority of the members of the Council concerned. Membership of the International Commission for the Conservation of Atlantic Tunas is open to any State which is a Member of the United Nations, or of any specialized agency of the United Nations. The Convention establishing the International Commission for the Southeast Atlantic Fisheries contains a similar clause and provides in addition that any other State unanimously invited by the Commission to become a party to the Convention may adhere to it.

137 Lastly, a few commissions are open to any State which adheres to the relevant convention simply by addressing the required notification to the depositary government. They include the International Whaling Commission, the International Commission for the Northwest Atlantic Fisheries and the North-East Atlantic Fisheries Commission.

138 It may also be of interest to mention that a number of fishery commissions may establish subsidiary bodies for each of the regions into which their area of competence may be divided or with respect to any stock of fish in that area. The composition of these subsidiary bodies is of particular importance as they are normally empowered to propose conservation measures to their parent body. While in some cases any member of the commission concerned may become a member of the subsidiary body, in other instances the composition of the body is subject to determination by the Commission, e.g. the International Commission for the Northwest Atlantic Fisheries, the North-East Atlantic Fisheries Commission and the International Commission for the Southeast Atlantic Fisheries; however, in these cases, member countries which have a coastline in the area covered by the subsidiary body or which exploit the stock concerned, have the right to be represented on the subsidiary body.

139 Most conventions establishing fishery bodies contain provisions to enable member countries to withdraw. They usually provide that member countries may do so after an initial period of a stated number of years, provided advance notice, normally six months or one year, is given.

Section 5

PARTICIPATION

140 Under existing rules of international law, acceptance of all rights and duties as a member of fishery bodies is entirely voluntary. Neither the States whose nationals or vessels carry out fishing operations on the high seas in the area of competence of a fishery body, nor the coastal States in cases where a stock or stocks of fish inhabit both the fishing areas under their jurisdiction and areas of the adjacent high seas, may be compelled to become members of the body or to comply with any conservation measure it may formulate. Therefore, the mere fact that membership of a body is open to all interested States does not ensure that all these States will take part in the activities of the body concerned. In fact, the 1958 United Nations Conference on the Law of the Sea could only adopt recommendations on the subject, urging States concerned to cooperate.

141 Despite these shortcomings, the situation is rather remarkable in practice and there is significant evidence of States' willingness to collaborate in the rational exploitation of common resources. It can be stated that in many cases all the States with a substantial interest in a fishery have chosen to become members of the relevant regulatory body. Two bodies recently established within the framework of FAO, the Indian Ocean Fishery Commission and the Fishery Committee for the Eastern Central Atlantic, have a membership of 31 and 28 States, respectively.

142 There are, however, a number of exceptions. Reference has already been made to the few fishery bodies which are open only to States whose territories are situated around the area of coverage. Mention could also be made of cases where one or more States which fish substantially in a specific area or for a given species, are not members of the body concerned, e.g. in the North Pacific or with respect to whales or to tuna in the eastern Pacific, in the Atlantic and in the Indian Ocean.

143 The conventions establishing fishery bodies usually do not contain provisions on the question of non-participating countries. An exception is the Convention setting up the North-East Atlantic Fisheries Commission. It provides that it is the duty of the Commission to consider, at the request of any member country, representations made to it by a State which is not a party to the Convention for the opening of negotiations on the conservation of fish stocks in the Convention area.

144 As the work of a fishery body may be seriously jeopardized by the lack of participation of certain fishing countries, special efforts are usually made to secure their cooperation. For example, when the Inter-American Tropical Tuna Commission decided to recommend to member countries joint action with a view to regulating fishing for yellowfin tuna in the eastern Pacific, it also recommended that member countries should take such action as might be necessary to induce countries whose vessels engaged in such fisheries, but which were not parties to the Inter-American Tropical Tuna Convention, to cooperate in implementing the conservation measures. In addition, the 1965 intergovernmental meeting on yellowfin tuna regulation adopted a resolution requesting the assistance of FAO in ensuring the adherence to the Convention of all countries fishing in the eastern Pacific Ocean. At several of its annual meetings, the International Whaling Commission appealed to certain countries to adhere to the Convention for the Regulation of Whaling.

145 In most cases, the conventions establishing fishery bodies or the bodies' rules of procedure provide for the possibility of inviting non-member countries to be represented at meetings by observers. In practice, such countries often avail themselves of this opportunity and this goes some way towards ensuring the cooperation of all countries concerned.

146 It may be added that in some cases countries do wish, in a first phase, to familiarize themselves with the conservation problems involved and thus prefer to attend a few meetings in an observer capacity before deciding to apply for full membership.

Section 6

FINANCING

147 The financial implications of membership in a fishery body are two-fold: First, there are the expenses relating to the attendance of representatives, experts and advisers of member countries at meetings of the body concerned and its subsidiary organs. These expenses are borne by the member countries individually. Secondly, there are the joint expenses required to cover the operative costs and also, in a few cases (e.g. International Pacific Halibut Commission, Inter-American Tropical Tuna Commission), the cost of independent research carried out by the staff of the body. By way of illustration, the recent budgets of selected bodies are given below:

International Whaling Commission	U.S. $18 000
North Pacific Fur Seal Commission	16 000
International North Pacific Fisheries Commission	103 000
International Commission for the Northwest Atlantic Fisheries	171 000
International Commission for the Conservation of Atlantic Tunas	210 000
International Pacific Halibut Commission	546 000
Inter-American Tropical Tuna Commission	672 000

148 There are different ways in which joint expenses are assessed among member countries. In this regard, fishery bodies may be divided into two main categories:

(a) Bodies established within the framework of FAO

149 The fishery bodies established under Article VI of the FAO Constitution (Regional Fisheries Advisory Commission for the Southwest Atlantic, Fishery Committee for the Eastern Central Atlantic, Indian Ocean Fishery Commission, and Western Central Atlantic Fishery Commission) do not have an autonomous budget based on mandatory contributions, so that membership of the body does not entail payment of any regular contribution over and above the contributions of member countries to the budget of FAO. The secretariat is provided by FAO; however, if members of the body consider that certain joint activities should be undertaken, they can make voluntary contributions to a trust fund administered by the Director-General of FAO.

150 Mention should also be made of the possibility, for the bodies established within the framework of FAO, of obtaining the financial support of the United Nations Development Programme (UNDP) for cooperative work in their area of competence, especially in the interest of developing countries. Regional fishery development programmes are now being implemented under the aegis of the Indian Ocean Fishery Commission, the Indo-Pacific Fisheries Council and the Fishery Committee for the Eastern Central Atlantic, with the support of the UNDP and of donor countries. A similar programme is being developed within the framework of the Western Central Atlantic Fishery Commission.

(b) Other bodies

151 For fishery bodies established outside the framework of FAO, various methods are used to apportion joint expenses among member countries.

152 The equal sharing, by member countries, of the operative costs of the body concerned is probably the simplest method of assessment. This solution is adopted by several conventions establishing fishery bodies consisting of a few States whose interest in the fisheries and the level of development are identical or similar, e.g. the International Pacific Halibut Commission, the International Pacific Salmon Fisheries Commission, and the International Baltic Sea Fishery Commission. This method is also applied in some cases where the relevant convention empowers the fishery body to recommend a scheme for the apportionment of expenses, e.g. the International North Pacific Fisheries Commission.

153 The principle of equal contributions may not be appropriate in cases where the fishing interests or the fishing operations of individual member countries vary considerably. In such cases other criteria may be required.

154 The convention establishing the Inter-American Tropical Tuna Commission provides that "the proportion of joint expenses to be paid by each High Contracting Party shall be related to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party". A very large percentage of the budget is contributed by the United States.

155 A more sophisticated system of assessment was devised with respect to the expenses of fishery bodies operating in the Atlantic Ocean. Each member country pays a flat rate up to a given amount and it contributes to the remainder of the budget depending on the number of subsidiary bodies of which it is a member (International Commission for the Northwest Atlantic Fisheries and North-East Atlantic Fisheries Commission). In addition, in the case of the International Commission for the Southeast Atlantic Fisheries, account is also taken of catches and, in the case of the International Commission for the Conservation of Atlantic Tunas, of catches and of the net weight of canned products.

156 A somewhat different system was adopted by the International Whaling Commission at its 1974 meeting to replace the method of equal sharing that had been applied so far. Member

countries pay a flat rate and an additional contribution based on the number of areas where their vessels have undertaken commercial whaling operations in the period 1954-1973 and on their catches in the preceding year.

Section 7

ACTIVITIES AND PROGRAMMES

157 The activities and programmes of regional bodies vary with respect to the range of subjects covered, the intensity with which each subject is pursued, and the extent to which staff members are directly concerned with carrying out these activities, rather than coordinating or promoting national activities. The subjects usually covered range from the collection and compilation of statistics, through various aspects of scientific research--particularly the evaluation of the state of the fishery--to examination of the social and economic implications of different management measures. In addition, the subsidiary bodies of FAO but not, in general, the independent bodies, are concerned with assisting and facilitating the development of fisheries in member states.

158 Compilation and publication of regular statistics has been an early and high priority task for virtually all bodies. The International Council for the Exploration of the Sea has issued its Bulletin Statistique in various forms since 1906, and the other independent bodies with similar responsibilities for all species in a region (noticeably, since 1950, the International Commission for the Northwest Atlantic Fisheries, and more recently the International Commission for the Southeast Atlantic Fisheries) have issued similar bulletins (often with the help and cooperation of FAO). Similar statistical information, in respect of the regions of responsibility of FAO bodies (Indian Ocean Fishery Commission, Fishery Committee for the Eastern Central Atlantic, etc.), though often in less detail, have been issued by FAO as Fishery Bulletins and Circulars, and as working documents for the sessions of the body concerned. Some bodies (e.g. the International Whaling Commission and the North-East Atlantic Fisheries Commission) do not themselves deal with statistics, which are handled by other bodies (the Bureau of International Whaling Statistics and the International Council for the Exploration of the Sea respectively).

159 Most bodies concern themselves only with handling statistics reported by member countries (and often also non-member countries), and with establishing standards (species lists, area divisions, etc.) to be used in making these reports (often in close collaboration with FAO); however, the Inter-American Tropical Tuna Commission collects its own statistics, issues logbooks to fishermen, and stations staff at most of the major tuna landing ports. The International Pacific Halibut Commission and the International Pacific Salmon Fisheries Commission also collect statistics on halibut and salmon respectively directly from the specialized fisheries. Some other bodies (the International Commission for the Conservation of Atlantic Tunas, the Fishery Committee for the Eastern Central Atlantic) with member countries with poorly developed statistical systems, have found it necessary, as they develop more extensive statistical activities, to take a more active role in obtaining national statistics, e.g. through visits of staff or consultants to the countries concerned.

160 Direct large-scale research is carried out only by a few specialized fishery bodies in the Pacific (the Inter-American Tropical Tuna Commission, the International Pacific Salmon Fisheries Commission and the International Pacific Halibut Commission). Their major interest has naturally been in the population dynamics of the species of direct concern--tuna, salmon and halibut--but the Inter-American Tropical Tuna Commission particularly has a long record of scientific research into associated matters (distribution of bait fish, the physical oceanography of the eastern Pacific, etc.). Other bodies are more concerned with stimulating and coordinating national research efforts, especially in stock assessment. Commonly, this

takes the form of holding working parties or seminars, and the preparation and publication of reports. Staff members of the body concerned often take an active part in this work even when the basic studies are carried out nationally. Secretariat activities are particularly significant when, as in the case of most subsidiary bodies of FAO, many of the members are developing countries, but increased Secretariat responsibilities for much of the routine technical work in connection with stock assessment working parties is also being seen to be increasingly desirable in the International Commission for the Northwest Atlantic Fisheries and the International Council for the Exploration of the Sea.

161 While stock assessment and similar studies with direct management applications have received the main attention from regional bodies, especially those for which management is the primary responsibility, other related fields of science are also dealt with. Several bodies have scientific committees or similar subsidiary bodies at which the results of national research studies are presented and discussed. Several bodies, noticeably the International Commission for the Northwest Atlantic Fisheries and the International Council for the Exploration of the Sea (often together, and in association with FAO) regularly hold large-scale symposia on selected topics. These symposia and discussions are among the most effective instruments in promoting fishery research in the regions concerned, and the symposia often attract participation and have an impact outside the region directly concerned.

162 Where management measures are being actively considered, the major scientific activity is the assessment of the state of the stocks and of the possible effect of management measures. While the basic studies may be carried out nationally, it is usually essential, for effective negotiations on the choice of management measures, for scientific argument to be removed as far as possible from these negotiations, and an agreed scientific evaluation to be prepared. Where, as may well be the case when statistical and other data are scanty, there are real scientific uncertainties in the assessments, these will be reflected in the agreed statement. These assessments are commonly carried out by small groups of experts, usually from member countries and from the Secretariat, and the reports of these working groups have become the authoritative assessments of the stocks in question. The greatest number of these working groups have operated in the North Atlantic, where up to half a dozen may review annually the different groups of stocks in the International Council for the Exploration of the Sea/International Commission for the Northwest Atlantic Fisheries region, but similar groups or sub-committees have been active in most other regions.

163 Specific proposals for management action, e.g. proposals for a closed season are, with a few exceptions in the North Pacific, put forward by one or more member countries, and the advantages and disadvantages will be reviewed by every other member in the light of its own individual situation; however, some Commissions, e.g. the International Commission for the Northwest Atlantic Fisheries, have found it useful to hold discussions and to issue reports setting out some of the general problems and considerations to be dealt with when introducing management measures.

164 The regional fishery bodies within the FAO structure have been concerned with all aspects of fishery development. Although their structure and financing have not permitted much direct involvement with development activities, the discussions at meetings, the activities of working parties, and the reports and publications of the Indo-Pacific Fisheries Council, the Regional Fisheries Advisory Commission for the Southwest Atlantic, etc., contain much material that is useful in developing fish catching, processing, marketing, etc., in the countries of the region concerned, and often in other parts of the world with similar technical, economical and social problems. Recently the potential for action by these bodies has been considerably strengthened by the establishment of a number of regional development projects operated by FAO (the Indian Ocean Programme, the South China Sea Programme, etc.). These have been financed by UNDP with support from a number of bilateral funding agencies, and give the opportunity for large-scale support, of the order of millions of dollars, to be given to regional activities aimed at the rational development of the fisheries in the region.

Section 8

REGULATORY POWERS

165 The main objective of the functions entrusted to many fishery bodies is the formulation of conservation measures designed to preserve and develop the living resources in their area of competence. An analysis of the characteristics of these measures requires consideration of two series of problems. The first one relates to the decision-making process of fishery bodies and the second one concerns the scope and nature of conservation measures.

Formulation of conservation measures

166 The complexity of the problems raised by the formulation of conservation measures is due to the multiplicity of factors that have to be taken into account. These aspects include not only the scientific findings on which conservation measures must be based, but also considerations of a political, economic and legal nature. The procedures laid down in the relevant conventions with respect to the adoption of conservation measures reflect the efforts made to conciliate the various factors involved.

167 Nearly all conventions establishing fishery bodies provide explicitly or implicitly that conservation measures have to be formulated on the basis of the results of scientific investigations. In most cases, scientific research is carried out by member countries and the fishery body limits itself to promoting, coordinating or planning national research programmes. In some cases, fishery bodies may, in addition and where necessary, make investigations independently. In a few instances (Inter-American Tropical Tuna Commission, International Pacific Halibut Commission and International Pacific Salmon Fisheries Commission), the fishery bodies themselves undertake research with their own staff.

168 Economic factors, which may often have a considerable importance, are seldom mentioned in the relevant conventions as one of the elements to be taken into account when formulating conservation measures; however, the International Whaling Convention provides that the Commission it establishes shall take into consideration the interests of the whaling industry and of the consumers of whale products. The International North Pacific Fisheries Commission is required to make allowance "for the effect of strikes, wars, or exceptional economic or biological conditions which may have introduced temporary declines in or suspension of productivity, exploitation, or management of the stock of fish concerned". It may also be mentioned that the International Pacific Salmon Fisheries Commission has set up an Advisory Committee including the representatives of the various branches of the industry, which is given full opportunity to examine, and to be heard on, all proposed orders, regulations or recommendations. Lastly, a Protocol to the Convention establishing the International Commission for the Northwest Atlantic Fisheries, entered into force in December 1971, enables the Commission to propose conservation measures on the basis of economic and technical considerations.

169 Examination of the scientific and, as the case may be, economic bases for the formulation of a conservation measure is only the first step to the formal adoption of the measure by the fishery body. Certain procedures have been devised to safeguard the political freedom of choice of individual member countries. These procedures relate mainly to the right to propose a measure and to voting arrangements.

170 The relevant conventions often lay down conditions as regards the right to propose a measure. This right can conceivably be granted to the fishery body itself, to its subsidiary bodies and to each member country directly. This is not always the case. For example, the International Commission for the Northwest Atlantic Fisheries does not act on its own initiative but only on the recommendation of one or more of its Panels.

171 As regards voting, the requirements vary depending mainly on the size of the membership. Fishery bodies comprising two or three member countries can only take decisions by a unanimous vote. It should be specified, however, that each one of two member countries

of the International Pacific Salmon Fisheries Commission and of the International Pacific Halibut Commission is represented by three commissioners and that all decisions of the Commissions must be made by a concurring vote of at least two of the commissioners of each member country. It should also be noted that when a member country of the International North Pacific Fisheries Commission is not concerned with a conservation measure, it cannot take part in the voting.

172 In the case of fishery bodies with a large membership, a two-third or three-fourth majority is usually required for the adoption of conservation measures; however, the recommendations formulated by fishery bodies established within the framework of FAO only require a simple majority.

Scope of conservation measures

173 Fishery bodies do not possess supra-national powers and the conservation measures they formulate and adopt are not directly binding on individual fishermen without legislative action being taken to this effect by member countries. In fact, these measures are seldom binding on the member countries themselves; however, in a few cases, conservation measures are automatically binding on member countries. This occurs only within the framework of bodies which have a limited membership and in which the decision to adopt a given measure requires the unanimous vote of the member countries. Thus, the North Pacific Fur Seal Commission may determine the total number of seals which may be taken at sea for research purposes as well as the number to be taken by each member country; the Mixed Commission for Black Sea Fisheries may adopt measures concerning the species and dimensions of fish that may be caught in the Black Sea; the International Pacific Salmon Fisheries Commission may issue orders for the adjustment of closing or opening of fishing periods and areas in any fishing season as well as emergency orders required to carry out its functions; the Japan-Soviet Northwest Pacific Fisheries Commission may fix the total annual catch of a stock of fish and determine the annual catch of such stock by each member country.

174 Situations in which measures adopted by fishery bodies are directly binding on member countries are exceptional. In contrast, there are a number of cases where fishery bodies are only empowered to make recommendations which neither have nor are intended to have any binding force on member countries. For example, member countries merely undertake to "respect, to the extent possible, the recommendations made by the Commission" (Japan-Republic of Korea Joint Fisheries Commission) or recognize that "it is highly desirable that each Party carry out such conservation recommendations, and provide for necessary restraints on its own nationals and fishing vessels" (International North Pacific Fisheries Commission). This method, both flexible and easily acceptable by States, is being used exclusively or concurrently with other methods by a majority of the existing fishery bodies. It has proved efficacious in several cases. For instance, over a period of more than 40 years, the two member countries of the International Pacific Halibut Commission have always accepted its recommendations.

175 In between these two extremes--capacity to make mere recommendations or to take binding decisions--the conventions establishing seven fishery bodies, mostly in the Atlantic Ocean, provide that recommendations will become binding if member countries do not object to them.

176 Briefly, this system functions as follows: member countries may lodge an objection to the recommended conservation measure within a given period (from three to six months as the case may be) of being notified of it. If no objection is made during that period, the recommendation becomes legally binding upon all member countries. If, on the contrary, one member country objects to the conservation measure, the entry into force of the recommendation is postponed for an additional period during which the other member countries may reconsider their attitude in the light of this new situation. At the end of the additional period, the recommendation becomes binding upon all member countries that have not objected to it. If, however, objections are too numerous, the recommendation does not become effective, except that certain member countries may agree among themselves to give effect to it. It may be added that the Convention establishing the International Commission for the Con-

servation of Atlantic Tunas contains provisions whereby, in cases in which few member countries lodge an objection, their objections will be deemed to have been withdrawn unless they are reaffirmed within an additional period.

Section 9

CONSERVATION MEASURES

177 There are a large number of measures that can be adopted in order to conserve fish resources. All of these have at some time been adopted by one or more of the fishery bodies. It is convenient to divide the measures into those that control the size or other characteristic (age, sex, etc.) of the fish caught, and those that control the total amount of fishing.

Control and composition of the catch

178 The characteristic that is most often controlled is the size of fish. Protection of the small animals can increase the weight caught by allowing them to grow to a better size before being harvested.

179 One of the measures aimed at protecting the smaller fish which are often prescribed by a number of fishery bodies concerns the size of meshes. In practice, specific measures depend on local conditions and may vary according to fishing areas, species, fishing seasons, types of nets (seines, trawls, gill nets), fabrics used (e.g. cotton, hemp, sisal, manila, polyster fibres) or size of vessels. In some cases, the relevant regulations apply only to a fixed percentage of the nets on board (e.g. Japan-Soviet Northwest Pacific Fisheries Commission). It may also be mentioned that considerable attention was devoted by the commissions operating in the North Atlantic to the question of attachment of topside changing gear on the cod end of trawl.

180 Measures designed to regulate the selectivity of fishing gear and equipment, particularly with respect to mesh sizes, are often complemented by regulations concerning the minimum size or weight of fish that may be landed. In the northeast Atlantic alone, 14 species (cod, haddock, hake, plaice, witch, lemon sole, sole, sardines, turbot, brill, megrim, whiting, dab and salmon) are subject to this type of regulation. Similar measures have been adopted with regard to Norway lobsters in the Skagerrak-Kattegat, various species of sturgeon, turbot and shad in the Black Sea, halibut in the North Pacific, herring in part of the northwest Pacific, bearded seals in the Barents Sea-White Sea area, and blue whales, sei whales, Bryde's whales, fin whales and sperm whales.

181 Protection of other vulnerable members of the population may also be recommended, for example the killing of female whales which are accompanied by calves is prohibited. Such protection may also be achieved by the prohibition of all fishing in certain areas (such as nursery grounds) or in certain seasons, but such regulations are more often introduced to control the total amount of fishing and are discussed in the following sub-section:

Control of the amount of fishing

182 While control of the size or other characteristics of fish caught can improve catches at a given level of fishing, without control of the total amount of fishing conservation will be only partial, and most bodies have considered some form of such control.

183 The oldest and most traditional form of such control is the prohibition of the more destructive types of fishing. This was already the subject of international agreements early in the nineteenth century (e.g. an Agreement of 2 August 1839) between France and Great Britain).

184 The Sealing Commission for the Northeast Atlantic prohibits the taking of marine animals by the use of poisonous substances, as well as means and methods which involve substantial losses of wounded animals. As regards fishing for salmon, the North-East Atlantic Fisheries Commission has imposed a total ban on the use of any trawl net, monofilament net or troll; the Japan-Soviet Northwest Pacific Fisheries Commission has prohibited longline fishing in certain areas and prescribed the length of drifting nets set in the sea by fishing vessels. With respect to herring, the North-East Atlantic Fisheries Commission prohibits the use of purse seines in the Celtic Sea. Particularly destructive methods have also been banned with respect to fishing for halibut. For example, the International Pacific Halibut Commission prohibits the use of dory fishing and the use of bottom set nets and trawl nets of the type customarily used in the commercial fisheries for demersal species.

185 One of its disadvantages is that it prevents the cost of fishing from being reduced in proportion to the reduction of fishing mortality and also the number of units, even of the permitted gear, may rise to such a high level that more direct controls are necessary; however, in certain cases, failing such direct controls, it may be better to regulate fishing gear rather than to allow fishing to go unrestricted.

186 The most drastic control is the prohibition of any catching of a particular species. Thus the bodies concerned have prescribed a total and permanent ban on the catch of certain marine mammals that are particularly threatened. They include blue whales, hump-back whales, grey whales, right whales and, in certain areas, walruses. At its 1973 meeting, the International Whaling Commission recommended the cessation of the taking of fin whales after June 1976. The complete prohibition of fishing for salmon outside national fishery limits has recently been recommended by the two relevant fishery bodies in the North Atlantic.

187 Complete prohibitions are rather exceptional and are not readily acceptable to States. In contrast, regulations on the establishment of closed seasons or closed areas constitute measures on which agreement may be reached more easily and they are frequently resorted to in practice by fishery bodies.

188 Closed areas may be prescribed for an unlimited period or for a given number of years. Thus, special areas, nurseries or sanctuaries were established by the fishery bodies concerned with respect to halibut in part of the Bering Sea; herring in part of the northwest Pacific; sturgeon in the northwestern Black Sea; fin whales, sei whales, and Bryde whales in wide areas of the Antarctic, and the Pacific and Atlantic Oceans. Some of these, e.g. for halibut, were used as much to protect small fish as to limit the total amount of fishing.

189 A somewhat similar situation arises in the North Pacific Ocean as a result of the so-called "abstention principle" applied within the framework of the International North Pacific Fisheries Commission. When adequate scientific evidence can be adduced to show that a resource or stock is limited and so regulated as to maintain it at the most productive level, member countries which have not participated in the past in the exploitation of that stock are required to refrain from doing so. Thus, Japan abstains from fishing for salmon east of 175°West, and Canada abstains from fishing for salmon in the eastern Bering Sea.

190 More frequently, fishery bodies establish closed seasons during a limited period in every year. Measures of this type have been adopted with respect to whales in various oceans and seas; hake and seals in part of the northwest Atlantic; herring, Greenland seals and hooded seals in wide areas of the northeast Atlantic; halibut, salmon, and fur seals in the North Pacific; harp seals in the East Ice (Barents Sea); and yellowfin tuna in the eastern central Pacific.

191 However, closed seasons or closed areas do not prevent an increase in the number or power of the vessels engaged in the fishery, and such an increase can result in the total amount of fishing increasing to an undersirably high level. Some commissions therefore adjust the length of the open season to the catches, such that the fishing operations must stop once a given quantity has been caught, e.g., whales, and yellowfin tuna in the eastern central Pacific. Such a system is essentially one method of implementing an overall limit to the total catch.

192 The most direct control of the amount of fishing is to set a limit to the amount of catch or the fishing effort, e.g. as measured by the number of vessels.

193 Regulations have been adopted by a few bodies to limit the number of fishing vessels in a given area (e.g. Japan-Soviet Northwest Pacific Fisheries Commission with respect to salmon, herring and crab). Such limitation may be based on the type of fishing vessels (e.g. Japan-Republic of Korea Joint Fisheries Commission or on their size (e.g. North-East Atlantic Fisheries Commission with respect to fishing for whiting).

194 Control of the total catch is more common, and it would appear from an examination of the present activities of fishery bodies, that this type of measure will be given ever greater attention in the years ahead. It should be noted that not all fishery bodies were granted the necessary authority in this respect. Successful efforts were made recently to widen the powers of the North-East Atlantic Fisheries Commission.

195 The catch level is usually set at around the level of the sustainable yield, i.e. that yield which can be taken from the stock without depleting it, though for certain depleted stocks less than this yield may be recommended to allow the stocks to be rebuilt.

196 When difficulties arise concerning the determination of the exact amount of the total catch quota, fishery bodies may recommend transitory measures, such as limiting catches to a level not exceeding the level reached at a given date in the past (e.g. International Commission for the Northwest Atlantic Fisheries in regard to salmon). In one case a fishery body prescribed that the maximum catch was not to exceed 12 to 15 per cent of stocks (the Mixed Commission for Black Sea Fisheries with respect to rhombinae).

197 Over-all quotas for the combined catch of all countries have already been established concerning a number of species, including all baleen whales and sperm whales in several oceans and seas; fin whales, sei whales, Bryde's whales, sperm whales and halibut in the North Pacific; harp seals and hooded seals in the northeast Atlantic; rhombinae in the Black Sea; crabs in the northwest Pacific, and yellowfin tuna in the eastern Pacific.

198 The establishment of over-all quotas may prevent the depletion of the stock, but does not guarantee a successful fishery, since the total capacity of the fleet is uncontrolled, and will tend to increase as fishermen compete to obtain the maximum share of the limited quota. This will cause an increasingly costly and inefficient fishery. Also the resulting division of the total catch may become inequitable.

199 Under the circumstances, it is likely that the most modern and best equipped fishing vessels are in a privileged position and small fishermen may find themselves penalized. For example, in the past few years an over-all catch quota was set for yellowfin tuna in the eastern Pacific by the Inter-American Tropical Tuna Commission. Fishermen of any nation are free to take any portion of this over-all quota if they are capable of doing so. As the fishing fleet of one member country is by far the largest and most efficient, it accounts for a very high percentage of the quota.

200 A possible remedy to this inequality of opportunity consists of all allowing small fishing vessels to continue fishing even after the over-all quota has been reached; however, less developed countries prefer in general the establishment of a system of national quotas so as to be able to expand their fishing activities. Few fishery bodies have actually the authority to apportion the total quota among their member countries. In such cases, the relevant conventions seldom lay down criteria regarding the determination of national shares.

201 A distinction may be made in this regard between bodies which comprise only a limited number of member countries and those which have a larger membership. In the case of the first category, it has proved easier to reach agreement either because the relevant conventions provide criteria (e.g. International Pacific Salmon Fisheries Commission, North Pacific Fur Seal Commission and Japan-Republic of Korea Joint Fisheries Commission) or as a result of negotiations (e.g. Japan-Soviet Northwest Pacific Fisheries Commission and Sealing Com-

mission for the Northeast Atlantic). In the case of bodies with a large membership, the agreements on the apportionment of catches have for some time been negotiated and concluded by the countries directly concerned outside the framework of the relevant body, but this is no longer the case for important commissions such as the International Commission for the Northwest Atlantic Fisheries and the North-East Atlantic Fisheries Commission.

202 Criteria for the establishment of national shares vary from one body to another and from one area to another. In the relevant discussions it has been generally agreed that national shares could take into account both the actual catches taken in previous years and the special interests of each country. Thus, countries with developing fisheries or coastal States might have larger shares than the catches of previous years would warrant.

203 The International Commission for the Northwest Atlantic Fisheries has devoted considerable attention to this matter. At its Seventeenth Meeting in 1967, it set up a Standing Committee on Regulatory Measures to consider possible measures for the regulation of fishing and the economic and administrative problems involved in the application of such measures. The Committee formulated guidelines that the Commission should take into account when recommending the apportionment of an over-all quota among its member countries. Shares would be based mainly on historical performance. The portion of the over-all quota to be allocated on the basis of past performance would amount to approximately 80 per cent. The balance of about 20 per cent would then be used on the one hand to provide for the new entrants and non-member countries and on the other hand to satisfy any special claims by member countries with developing fisheries, with a coastline in the area concerned or with fleets incapable of being diverted to other fisheries. The suggestion was also made that the economic situation of member countries should be taken into account.

204 The length of time to be taken into consideration, when computing that portion of the shares that will be based on historical performance, was discussed in considerable detail. The Committee suggested that the average catches during two distinct periods, namely the last ten years and the last three years, be taken into account. No agreement has been reached yet on the respective weight to be given to these two periods. While the Committee had suggested that equal weight be given, several member countries would prefer to attach greater importance to the longer period.

205 As to the portion of the shares that will be based on factors other than historical performance, it was agreed that there should be a sliding scale, by which the lower the level of the total allowable catch, the greater might be the degree of preference of countries having special claims.

206 It was emphasized that any scheme which would eventually be adopted would have to be flexible and that shares would be periodically reviewed and adjusted in the light of experience and new developments. It was also generally agreed that if a country exceeded its quota in any year, its share for the subsequent year should be reduced. Some countries thought that it would be sufficient to reduce the quota for subsequent years by the amount of the excess, but others considered that the reduction should be at least twice as great.

207 These guidelines were considered by the Commission in early 1972, with particular reference to three herring stocks. A working group, comprised of the countries fishing for those stocks, was established to speed up negotiations. It agreed on the allocation of national catch quotas and the Commission endorsed the agreement.

208 In the past few years, agreement was reached within the Commission regarding the allocation of national quotas for a great number of stocks or species. The relevant reports of the Commission do not indicate the extent to which the guidelines were actually followed.

209 The North-East Atlantic Fisheries Commission has also concerned itself with the question of allocation of national quotas for stocks within its area of competence. In October 1973, a Working Group on the Regulation of North and Celtic Sea Herring examined possible criteria with respect to North Sea herring and took the following ones as the main basis for discussion:

40 per cent in proportion to average catches in the last three years, 40 per cent in proportion to the last ten years, 10 per cent to coastal States and 10 per cent for special needs. A number of variants on this formula were considered in an attempt to arrive at a fair balance between the interests of coastal States, the historic catch in the area, the reductions made in recent years by some States and the developing fisheries of other States. Somewhat different criteria were considered in relation to Celtic Sea herring. There was no unanimity of views on these matters.

210 In March 1974, the Commission reached agreement on the allocation of national quotas for herring and resolved to achieve such allocations in future taking into account the factors identified by its working group, with particular reference to the historic performance of each member country in the fishery. Further agreements on the allocation of national quotas were reached within the Commission in the course of 1974 with respect to a great number of stocks or species.

Section 10

ENFORCEMENT OF CONSERVATION MEASURES

211 The mere adoption of conservation measures by fishery bodies is at best only a partial solution to the problem of rational management of the living resources of the sea, unless action is also taken to ensure the observance of these measures by individual fishermen. This may raise a number of difficulties in practice, especially on the high seas, since it is not easy to control fishing vessels over often distant and extensive fishing grounds. Moreover the very nature of certain conservation measures makes it hard to detect infringements, particularly after they have been committed.

212 The enforcement on the high seas of any measures adopted by fishery bodies is in the first instance the responsibility of each member country with respect to the vessels flying its flag. It is, indeed, a basic principle of the law of the sea that vessels on the high seas enjoy immunity, in time of peace, from any control by the authorities of States other than the flag States.

213 However, the need to supplement national enforcement systems by some form of international policing, especially within the framework of fishery bodies, has made itself felt over the years. It stems from the fact that some member countries are not in a material or financial position to impose effective control over their own vessels, especially when they are engaged in long-distance fishing, and that the stringency of national systems tends to vary. In addition, an international control system may have a considerable influence on the fishermen themselves since, quite apart from any deterrent effect that it may have, it gives them greater assurance that the fishermen of other member countries will be subject to the same degree of control.

214 In the case of several fishery bodies with a limited membership (International Pacific Halibut Commission, International Pacific Salmon Fisheries Commission, North Pacific Fur Seal Commission, Japan-Soviet Northwest Pacific Fisheries Commission), international control systems were already set out explicitly in the conventions establishing these bodies. With certain differences of detail, the conventions prescribe a procedure whereby duly authorized officials of any member country may, on the high seas, search and seize vessels of other member countries which are acting in violation of the convention or of the regulatory measures adopted under it. Such vessels must be delivered as promptly as practicable to the authorized officials of the member country having jurisdiction over them. Only the authorities of that country may conduct prosecutions and impose penalties.

215 As regards bodies with a presently or potentially larger membership, the situation is different in several respects. In the first place, the relevant conventions which contain provisions on international control, do not specify the type of enforcement system that will be applied but usually limit themselves to enabling the body concerned to deal with international measures of control on the high seas. This is so either because the original convention already contained such an enabling provision (e.g. North-East Atlantic Fisheries Commission, International Commission for the Southeast Atlantic Fisheries and International Baltic Sea Fishery Commission) or because the convention was subsequently amended to authorize the fishery body to deal with methods of inspection (e.g. International Whaling Commission and International Commission for the Northwest Atlantic Fisheries). The fundamental difference between conventions that embody a detailed international control system and those that merely enable the commission they establish to deal with the matter is that in the latter case international control systems drawn up by the commissions do not automatically bind member countries, since these commissions are not vested with the power to make decisions. They may, however, make recommendations of a potentially binding nature, as such recommendations enter into force for individual member countries which do not object to them within a given time limit (see Section 8 above).

216 Another characteristic of the international schemes of joint enforcement adopted so far by fishery bodies with a large membership (North-East Atlantic Fisheries Commission, International Commission for the Northwest Atlantic Fisheries, International Commission for the Conservation of Atlantic Tunas and International Commission for the Southeast Atlantic Fisheries) is that they do not provide for the seizure or arrest of offending vessels and persons. The authorized officers of one member country on board vessels flying its flag can only board and inspect the fishing vessels of other member countries and report to these countries on any violation of conservation measures. In the case of the International Commission for the Northwest Atlantic Fisheries, member countries have to report on the penalties imposed as a result of the inspection.

217 The enforcement system with respect to whaling would seem to deserve special consideration.

218 Neither the Whaling Convention nor its Schedule provided for international inspection of whaling operations. At the Seventh Meeting of the International Whaling Commission in 1955, Norway proposed the placing on each factory ship operating in the Antarctic of an observer, appointed and paid by the Commission, who should not be of the same nationality as the ship on which he was to serve. The Commission noted that it could not take action on this proposal so long as Protocol designed to amend the Convention with a view to enabling the Commission to deal with methods of inspection had not been adopted and had not entered into force. The Protocol came into force on 4 May 1959 and the Commission again took up the matter of international inspection at its Eleventh Meeting in June of the same year. Discussions centered on the nationality of the observers and on the question whether the Commission should consult flag States before appointing observers to their factory ships. The Commission formally accepted the principle of an "Observer Scheme" for States carrying out pelagic whaling in the Antarctic and requested States concerned to work out the details of a scheme for the Commission's approval.

219 In 1963 the five States then carrying out pelagic whaling adopted the text of an "Agreement Concerning an International Observer Scheme for Factory Ships Engaged in Pelagic Whaling in the Antarctic"; however, this Agreement, which was concluded outside the International Whaling Commission and has now formally expired, never entered into force.

220 As one of the reasons given for not implementing the International Observer Scheme was its limitation to pelagic whaling in the Antarctic, the Commission endeavoured to broaden the scope of possible future inspection activities. At its Eighteenth Meeting in 1966, it accepted the proposal that a working group be established to draw up a new observer scheme to cover all whaling operations at sea and at land stations. Discussions continued at the Nineteenth Meeting and at the Twentieth Meeting, in June 1968, and the Commission proposed to its member countries that they envisage applying the principles of the International Observer Scheme not only to the Antarctic but to all sea areas where whaling is carried out, as well as to land stations.

221 As these efforts had not led to practical results, the Chairman of the Commission invited all the member countries engaged in whaling to a special meeting held immediately prior to the Twenty-Third Meeting in 1971 to consider measures to implement an international observer scheme. This group recommended, and the Commission agreed, that all member countries should implement an international observer scheme for the 1971/72 season. It was also agreed that the scheme should be carried out on a regional basis, covering the North Pacific, Antarctic pelagic whaling, the North Atlantic and Southern Hemisphere land stations, and that interested governments should meet promptly to work out details. A number of agreements on enforcement were concluded in 1971 and in the following years. At the end of 1973, agreements were in force between Canada, Iceland and Norway (North Atlantic land stations); the U.S.A. and Japan (North Pacific land stations); South Africa and Australia (Southern Hemisphere land stations); Japan, Norway and the U.S.S.R. (Antarctic pelagic whaling); and Japan and the U.S.S.R. (North Pacific pelagic whaling). These agreements present similar characteristics. They provide that each Contracting Party has the right to nominate to the Commission a certain number of observers. From the persons so nominated, the Commission appoints an observer to each expedition or land station. When an observer has reasonable grounds for believing that any infraction has taken place, he must notify immediately in writing the manager of the expedition or land station and the senior national inspector, for information and comments. At the end of the season, the observer draws up a report covering his observations. This report, with explanations and comments by the manager of the expedition or land station and by the senior national inspector, is transmitted to the Commission.

222 In spite of the limitations inherent in the international control systems now in force or currently being planned, these systems already constitute significant evidence of member countries' willingness to ensure the implementation of conservation measures formulated by fishery bodies.

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AREA OF COMPETENCE OF FISHERY BODIES

ZONE DE COMPETENCE DES ORGANES DE PECHE

ZONA DE COMPETENCIA DE LOS ORGANISMOS DE PESCA

LEGEND

BSSSC	Baltic Sea Salmon Standing Committee Comité permanent pour la protection du saumon de la Baltique Comité Permanente para la Protección del Salmón del Mar Báltico
CARPAS	Regional Fisheries Advisory Commission for the Southwest Atlantic Commission consultative régionale des pêches pour l'Atlantique Sud-Ouest Comisión Asesora Regional de Pesca para el Atlántico Sudoccidental
CECAF	Fishery Committee for the Eastern Central Atlantic Comité des pêches pour l'Atlantique Centre-Est Comité de Pesca para el Atlántico Centro-Oriental
GFCM	General Fisheries Council for the Mediterranean Conseil général des pêches pour la Méditerranée Consejo General de Pesca del Mediterráneo
IATTC	Inter-American Tropical Tuna Commission Commission interaméricaine du thon tropical Comisión Interamericana del Atún Tropical
IBSFC	International Baltic Sea Fishery Commission Commission internationale des pêcheries de la Baltique Comisión Internacional de Pesca del Mar Báltico
ICCAT	International Commission for the Conservation of Atlantic Tunas Commission internationale pour la conservation des thonidés de l'Atlantique Comisión Internacional para la Conservación del Atún del Atlántico
ICNAF	International Commission for the Northwest Atlantic Fisheries Commission internationale des pêcheries de l'Atlantique Nord-Ouest Comisión Internacional de Pesquerías del Atlántico Noroeste
ICSEAF	International Commission for the Southeast Atlantic Fisheries Commission internationale des pêches pour l'Atlantique Sud-Est Comisión Internacional de Pesquerías del Atlántico Sudoriental
INPFC	International North Pacific Fisheries Commission Commission internationale des pêcheries du Pacifique Nord Comisión Internacional de Pesca del Norte del Pacífico
IOFC	Indian Ocean Fishery Commission Commission des pêches pour l'océan Indien Comisión de Pesca para el Océano Indico
IPFC	Indo-Pacific Fisheries Council Conseil indo-pacifique des pêches Consejo de Pesca del Indo-Pacífico
IPHC	International Pacific Halibut Commission Commission internationale du flétan du Pacifique Comisión Internacional del Hipogloso del Pacífico

IPSFC	International Pacific Salmon Fisheries Commission Commission internationale de la pêche du saumon dans le Pacifique Comisión Internacional de Pesquerías del Salmón del Pacífico
IWC	International Whaling Commission Commission internationale de la baleine Comisión Ballenera Internacional
JKFC	Japan-Republic of Korea Joint Fisheries Commission Commission mixte nippo-coréenne des pêcheries Comisión Mixta Nipo-Coreana de Pesca
JSFC	Japan-Soviet Northwest Pacific Fisheries Commission Commission nippo-soviétique des pêcheries du Pacifique Nord-Ouest Comisión Nipo-Soviética de Pesquerías del Pacífico Noroeste
MCBSF	Mixed Commission for Black Sea Fisheries Commission mixte des pêcheries de la mer Noire Comisión Mixta para las Pesquerías del Mar Negro
NEAFC	North-East Atlantic Fisheries Commission Commission des pêcheries de l'Atlantique Nord-Est Comisión de Pesquerías del Atlántico Nordeste
NPFSC	North Pacific Fur Seal Commission Commission du phoque à fourrure du Pacifique Nord Comisión sobre las Focas de Peletería del Pacífico Septentrional
PCSP	Permanent Commission of the Conference on the Use and Conservation of the Marine Resources of the South Pacific Commission permanente de la Conférence sur l'utilisation et la conservation des ressources marines du Pacifique Sud Comisión Permanente de la Conferencia sobre la Explotación y Conservación de las Riquezas Marítimas del Pacífico Sur
SCNEA	Sealing Commission for the Northeast Atlantic Commission du phoque de l'Atlantique Nord-Est Comisión para las Focas del Atlántico Nordeste
SCNWA	Sealing Commission for the Northwest Atlantic Commission du phoque de l'Atlantique Nord-Ouest Comisión para las Focas del Atlántico Noroeste
SCSK	Shellfish Commission for the Skagerrak-Kattegat Commission des crustacés du Skagerrak-Kattegat Comisión de Crustáceos del Skagerrak-Kattegat
WECAFC	Western Central Atlantic Fishery Commission Commission des pêches pour l'Atlantique Centre-Ouest Comisión de Pesca para el Atlántico Centro-Occidental

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MEMBERSHIP IN FISHERY BODIES

	BSSSC	CARPAS	CECAF	GFCM	IATTC	IBSFC	ICCAT	ICNAF	ICSEAF	INPFC	IOFC	IPFC	IPHC	IPSFC	IWC	JAFC	JSFC	MCBSF	NEAFC	NPFSC	PCSP	SCNEA	SCNWA	SCSK	WECAFC
Algeria				X																					
Argentina		X													X										
Australia											X	X			X										
Bahrain											X														
Bangladesh												X													
Belgium									X										X						
Brazil		X					X								X										X
Bulgaria				X				X	X									X							
Burma												X													
Cameroon			X																						
Canada					X		X	X		X			X	X	X					X			X		
Chile																					X				
Colombia																									X
Congo (People's Rep of the)			X																						
Costa Rica					X																				
Cuba			X				X		X		X														X
Cyprus				X																					
Dahomey			X																						
Denmark	X					X		X							X				X					X	
Ecuador																					X				
Egypt (Arab Rep. of)				X																					
Ethiopia											X														
Finland						X																			
France			X	X	X		X	X	X		X	X			X				X						X
Gabon			X																						
Gambia			X																						
German Democratic Republic						X		X											X						

	BSSSC	CARPAS	CECAF	CFCM	IATTC	IBSFC	ICCAT	ICNAF	ICSEAF	INPFC	IOFC	IPFC	IPHC	IPSFC	IWC	JKFC	JSFC	MCBSF	NEAFC	NPFSC	PCSP	SCNEA	SCNWA	[illegible]	WECAFC
Germany (Federal Republic of)	X					X		X											X						
Ghana			X				X																		
Greece			X	X							X														
Guatemala																									X
Guinea			X																						X
Guyana																									X
Haiti																									X
Iceland								X							X				X						
India											X	X													
Indonesia											X	X													
Iraq											X														
Ireland																			X						
Israel				X							X														
Italy			X	X				X																	X
Ivory Coast			X				X																		
Jamaica																									X
Japan			X		X		X	X	X	X	X	X			X	X	X			X					X
Jordan											X														
Kenya											X														
Khmer Republic												X													
Korea (Republic of)			X				X				X	X				X									X
Kuwait											X														
Lebanon				X																					
Liberia			X																						
Libyan Arab Republic				X																					
Madagascar											X														
Malaysia											X	X													

	BSSSC	CARPAS	CECAF	GFCM	IATTC	IBSFC	ICCAT	ICNAF	ICSEAF	INPFC	IOFC	IPFC	IPHC	IPSFC	IWC	JKFC	JSFC	MCBSF	NEAFC	NPFSC	PCSP	SCNEA	SCNWA	SCSK	WECAFC
Malta				X																					
Mauritania			X																						
Mauritius											X				X										
Mexico					X																				
Monaco				X																					
Morocco			X	X			X																		
Netherlands											X								X						X
New Zealand												X													
Nicaragua					X																				X
Nigeria			X																						
Norway			X					X			X				X				X			X	X	X	
Oman											X														
Pakistan											X	X													
Panama					X										X										
Peru																					X				
Philippines												X													
Poland	X		X			X		X	X										X						X
Portugal							X	X	X		X								X						
Qatar											X														
Romania			X	X				X										X							
Senegal			X				X																		X
Sierra Leone			X																						
South Africa							X		X						X										
Spain			X	X			X	X	X										X						X
Sri Lanka											X	X													
Sweden	X					X					X								X					X	
Tanzania											X														

	BSSC	CARPAS	CECAF	GFCM	IATTC	IBSFC	ICCAT	CNAF	ICSEAF	INPFC	IOFC	IPFC	IPHC	IPSFC	IWC	NAFO	NASCO	NEAFC	NPFSC	PCSE	SCRFA	SEAFDEC	SPC	WECAFC
Thailand											X	X												
Togo			X																					X
Trinidad and Tobago																								X
Tunisia				X																				
Turkey				X																				
U.S.S.R.						X		X	X						X		X	X	X	X		X		
United Kingdom			X					X			X	X			X				X					X
United States of America			X		X		X	X		X	X	X	X	X	X					X				
Uruguay		X																						
Viet-Nam (Republic of)											X	X												
Yugoslavia				X																				
Zaire			X																					X
TOTAL MEMBERSHIP	4	3	28	18	8	7	14	17	10	3	31	18	2	2	15	2	2	3	15	4	3	2	2	3	21

SUMMARY OF INFORMATION ON FISHERY BODIES

ANNEX III

Body	Date established and auspices	Headquarters	Eligibility for membership	Area of competence	Resources covered	Functions
BSSSC	1962 International Convention	Meets in member countries in rotation	Signatory States and others by unanimous agreement of Contracting Parties	Baltic Sea, including Gulf of Bothnia and Gulf of Finland	Salmon (Salmo salar)	To foster the development of salmon stocks, fish-breeding methods and the rational exploitation of the salmon population.
CARPAS	1961 Resolution of FAO Conference under Article VI-1 of FAO Constitution	Rio de Janeiro Brazil	FAO Member Nations whose territory borders on Western Atlantic south of Equator	South West Atlantic	All	To develop organized approach in respect of rational exploitation of resources; to encourage cooperative investigations
CECAF	1967 Resolution of FAO Council under under Article VI-2 of FAO Constitution	FAO, Rome, Italy	FAO Member Nations selected on basis of geographic location, fishing or research activities or other interest in fisheries of Eastern Central Atlantic	Eastern Central Atlantic between Cape Spartel and the Congo River	All	To promote rational utilization of resources; to encourage scientific research and training; to collect and disseminate information
GFCM	1949 International Agreement under aegis of FAO (Article XIV of FAO Constitution)	FAO, Rome, Italy	FAO Member Nations and other Members of United Nations (if approved by two-thirds majority of GFCM)	Mediterranean Sea and contiguous waters	All	To formulate various aspects of the problems of development and proper utilization of resources; to encourage research and development; to assemble and disseminate information
IATTC	1949 International Convention	La Jolla, California, United States	Signatory States and others by unanimous agreement of Contracting Parties	Eastern Pacific Ocean	Yellowfin and skipjack tuna, fish used as bait for tuna and other fish taken by tuna vessels	To carry out research on tuna by own research staff; to recommend joint action for conservation

Body	Date established and auspices	Headquarters	Eligibility for membership	Area of competence	Resources covered	Functions
IBSFC	1973 International Convention	Warsaw, Poland	Signatory States and others invited by the Contracting States	Baltic Sea and the Belts	All	To keep the fisheries under review, to co-ordinate scientific research, to submit recommendations concerning the control, the regulation of fishing gear, size limit of fish, closed seasons, closed areas, the allocation of the catch between member countries, and the control over the implementation of recommendations
ICCAT	1966 International Convention	Madrid, Spain	Members of United Nations or of any specialized agency of the United Nations	Atlantic Ocean, including the adjacent Seas	Tuna and tuna-like fishes and other species exploited in tuna fishing	To carry out studies; to recommend conservation action
ICNAF	1949 International Convention, as amended	Dartmouth, Nova Scotia, Canada	Signatory States and others by giving notification of adherence	Northwest Atlantic, (eastern limit approximately 42°W. Long., southern limit approximately 39°N Lat.). Excluding territorial sea	All, but with particular reference to cod group, flatfish and rosefish	To carry out studies and research; to propose action for stock conservation through closed areas and seasons, size limitation, gear control, catch limits
ICSEAF	1969 International Convention	Madrid, Spain	States represented at Conference which adopted the Convention, Members of the United Nations or of any specialized	Southeast Atlantic South of the Congo River, (southern limit parallel 50°S,	All fish and other living resources, subject to arrangements with other bodies	To carry out studies and research; to make recommendations for joint action, through closed areas and seasons, size limitations, gear control, total

Body	Date established and auspices	Headquarters	Eligibility for membership	Area of competence	Resources covered	Functions
ICSEAF (contd.)			agency of the United Nations, other States unanimously invited by ICSEAF	eastern limit meridian 40°E)		catch limits and other measures
INPFC	1952 International Convention	Vancouver B.C., Canada	Signatory States	All waters of North Pacific and adjacent seas. Excluding territorial waters	All, with particular reference to halibut, herring and salmon	To study fish stocks; to recommend joint conservation action; to administer abstention system
IOFC	1967 Resolution of the FAO Council under Article VI-1 of the FAO Constitution	FAO, Rome, Italy	FAO Member Nations	Indian Ocean and adjacent seas, but excluding the Antarctic area	All	To promote programmes of fishery development and conservation; to encourage research and development activities; to examine management problems
IPFC	1948 International Agreement under aegis of FAO (Article XIV of FAO Constitution)	FAO Regional Office, Bangkok, Thailand	FAO Member Nations and other Members of the United Nations (if approved by two-thirds majority of IPFC)	Indo-Pacific area	All	To formulate various aspects of the problems of development and proper utilization of resources; to encourage research and development; to assemble and disseminate information
IPHC	1953 International Convention	Seattle, Washington, United States	Signatory States	Territorial sea and high seas off western coast of Canada and United States	Halibut (Hippoglossus)	To study halibut stocks; to adopt conservation measures such as catch regulation, size control, open or closed seasons, vessel and gear control, licensing

Body	Date established and auspices	Headquarters	Eligibility for membership	Area of competence	Resources covered	Functions
IPSFC	1930 International Convention as amended	New Westminster, B.C., Canada	Signatory States	Fraser river and its tributaries, territorial sea and high seas off the estuary	Sockeye and pink salmon	To carry out investigations; to adopt conservation measures such as gear control, catch regulation, apportionment of catches
IWC	1946 International Convention as amended	London, United Kingdom	Signatory States and States giving notification of adherence	All waters in which whaling is prosecuted by factory ships, land stations and whale catchers	Whale stocks	To promote or carry out studies and research; to adopt conservation measures such as open and closed seasons or areas, size limitation, catch limits
JKFC	1965 International Agreement	Meets in member countries in rotation	Signatory States	Joint resources survey and regulation zones off the coast of Korea	All	To recommend scientific investigations and conservation measures, including provisional regulatory measures
JSFC	1956 International Treaty	Meets in member countries in rotation	Signatory States	Northwest Pacific, including Sea of Japan, Sea of Okhotsk and Bering Sea, and excluding territorial waters	All, with particular reference to salmon, trout and herring	To coordinate joint scientific research programmes, to adopt joint conservation measures, including amount of total catch
MCBSF	1959 International Convention	Meets in member countries in rotation	Black Sea States	Black Sea	All	To coordinate scientific research, to develop industrial fishing techniques, to formulate conservation measures

Body	Date established and auspices	Headquarters	Eligibility for membership	Area of competence	Resources covered	Functions
NEAFC	1959 International Convention	London, United Kingdom	Signatory States and others giving notification of adherence	Northeast Atlantic and Arctic Oceans and their dependent seas, (western limit approximately 42°W. Long., southern limit 36°N. Lat., eastern limit 51°E. Long.)	All	To keep all fisheries under reivew, to recommend conservation measures in respect of mesh sizes, size limitation, gear control, closed seasons and areas, amount of total catch or fishing effort
NPFSC	1957 International Interim Convention as amended	Washington D.C., United States	Signatory States	North Pacific Ocean	Fur Seals	To formulate and coordinate research programmes, to recommend conservation measures in respect of size, sex and age composition of the seasonal commercial kill from a herd, to make recommendations regarding methods of sealing
PCSP	1952 International Agreement as supplemented	Secretariat located for four years in each member country in rotation	Signatory States	South Pacific	All	To promote research, to adopt conservation measures including protection of species, open and closed seasons and areas, gear control
SCNEA	1957 International Agreement	Meets in member countries in rotation	Signatory States and others acceding to the Agreement with the consent of the Contracting Parties	Northeastern Atlantic east of Cape Farewell, including the Greenland and Norwegian Seas, the Denmark Strait, the area of Jan	Stocks of seals, including the Greenland seal, the hooded seal and the walrus	To formulate proposals in respect of scientific research and conservation measures, including closed seasons and areas, and total catch quotas

Body	Date established and auspices	Headquarters	Eligibility for membership	Area of competence	Resources covered	Functions
SCNEA (contd.)				Mayen Island and the Barents Sea		
SCNWA	1971 International Agreement	Meets in member countries in rotation	Signatory States and others acceding to the Agreement if invited by the Contracting Parties	Northwest Atlantic North of 45°N. Lat. and West of 45°W. Long.	Harp seals, and eventually hooded seals, bearded seals and walruses	To formulate proposals regarding conservation of the seal stocks, national quotas, opening and closing dates, humane hunting methods, inspection and control procedures and scientific research
SCSK	1952 International Agreement	Meets in member countries in rotation	Signatory States	Skagerak and Kattegat waters (bounded on the west by a line from Lindesnes light to Hanstholm light and on the east by the 13th meridian east of Greenwich)	Deep-sea prawns, European lobsters, Norway lobsters and crabs	To coordinate scientific and practical research, to recommend conservation measures
WECAFC	1973 Resolution of FAO Council under Article VI-1 of FAO Constitution	FAO, Rome, Italy	FAO Member Nations	Western Central Atlantic Ocean	All	To promote collection of statistics; to facilitate the coordination of research programmes; to assist member governments in establishing rational policies